

# Exhibit A

# TerraNet Portal



TerraNe

## E-Manual Table of Contents

The Terracon Human Resources e-Manual (e-Manual) is designed to provide helpful information to employees. The statements contained in this handbook are intended to offer guidance but do not modify the terms of employment. It is not to be construed as an employment contract of any kind. "Terracon" collectively refers to Terracon Consultants, Inc. and its related/affiliated companies (H.C. Nutting Company, TSVC, Inc.).

It is our intent that this e-Manual provide information concerning most employment questions. However, it is understood that unforeseen situations may arise that are not addressed in this e-Manual. Should that occur, the Human Resources Committee will interpret the policies, and may make exceptions to policies based on particular circumstances.

Terracon, at its discretion, may change, delete, suspend, or discontinue any or all parts of the policies in this e-Manual without prior notice. The e-Manual does not modify state or federal laws nor does it serve as legal advice. As changes occur, we will promptly incorporate them into this site. To the extent that applicable federal, state or local laws require greater or additional benefits/protections to employees than the provisions contained in this e-Manual, Terracon will comply with such laws.

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### Recent Updates

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**Terracon Employee Benefit Programs** - Go to the Benefits Tab - Employee Benefits - [Benefit Details](#) for more information regarding Terracon Employee Benefit Programs.

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## E-Manual Employment

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### Mission, Vision and Values

## Our Mission

### Delivering Success for Clients and Employees.

Terracon is a dynamic and growing employee-owned firm of consulting engineers and scientists. We lead our industry by:

- Anticipating and understanding client needs, providing highly responsive services, and exceeding clients' expectations.
- Providing opportunities for our employees to develop and succeed in rewarding careers.

## Our Vision

### CLIENTS

- Resources of a large national firm easily shared and quickly mobilized.
- Highly responsive client service, quick, reliable turnaround time and consistent quality
  - project-to-project and office-to-office.
- Multiple services to a broad mix of client types and sizes.
- Practical and cost-effective solutions appropriate to projects ranging from:

<b>straightforward and competitive</b>	<b>&gt;</b>	<b>to complex and challenging</b>
<b>small</b>	<b>&gt;</b>	<b>to large</b>
<b>single site</b>	<b>&gt;</b>	<b>to multi-site</b>

- Known in the marketplace as:
  - **Responsive and Practical**
  - **Resourceful and Innovative**
  - **Convenient and Consistent**
  - **Excellent at Fundamentals**
  - **Fast and Reliable**

### EMPLOYEES

- Proud of being part of a winning team and promote the firm to friends, colleagues, clients and prospects.
- Strong work ethic and commitment to getting the job done, resulting in great service for clients.
- A strong sense of ownership in the firm resulting in personal commitments to clients and an interest in offering suggestions for improvement.
- Clear career paths and continuous development opportunities through training, coaching and regular performance feedback.
- A supportive, attractive, flexible and safe work environment.

## Our Values

<b>Clients</b>	<b>Health &amp; Safety</b>
<b>Employee Development</b>	<b>Financial Performance</b>
<b>Ethics and Integrity</b>	<b>Growth</b>
<b>Quality</b>	<b>Employee Ownership</b>

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### History of Terracon *(revised January 1, 2005)*

Terracon was originally formed using the name Soil Testing Services of Iowa, Inc. in 1965 as a joint venture between two other consulting firms, and our former Chairman of the Board, Gerald R. Olson. The original offices were in Cedar Rapids and Iowa City, Iowa. By 1975, the company had expanded into other cities and formed Soil Testing Services of Kansas, Inc.

Both companies were consolidated into Terracon Consultants, Inc. in 1980, and outside corporate ownership in the firm ended; the company became employee-owned.

During the 1980s the company continued expansion into other states. The majority of the assets and liabilities of Terracon Consultants, Inc. were transferred to three new operating corporations based on geographical areas. The new

corporations were called Terracon Consultants NE, Inc., Terracon Consultants SC, Inc., and Terracon Consultants SE, Inc. Terracon Consultants, Inc. continued to exist as a service company. An environmental subsidiary, Terracon Environmental, Inc., was formed in 1986.

Also, in 1986, the majority of the assets of Barnett Stuart, Inc., a consulting geology firm in Topeka, Kansas, were acquired.

In 1989, the corporate headquarters was moved from Cedar Rapids to Lenexa, Kansas.

Expansion west of the Rocky Mountains occurred in 1991 by forming Terracon Consultants Western, Inc.

Shortly afterward, in 1992, Terracon acquired the stock of Empire Laboratories, Inc. This was the foundation of the Empire Division, which now has five Colorado offices, one in Wyoming and one in Montana.

Terracon Consultants NE, Inc., Terracon Consultants SC, Inc., and Terracon Consultants SE, Inc. were consolidated into Terracon Consultants, Inc. in 1992. The name of the service company was changed to Terracon Consultants Service, Inc. Health, Safety and Environmental Consulting (HSE) in Omaha and Infrastructure Management Services (IMS), with offices in Chicago and Atlanta, were acquired in 1997.

From 1992 to 1998, Terracon had three operating entities: Terracon Consultants, Inc.; Terracon Environmental, Inc.; and Terracon Consultants Western, Inc. In 1998, all operations merged into one company, Terracon, Inc.

In late 1998, Terracon acquired HBC Engineering, Inc., a geotechnical and environmental consulting firm with Texas offices in Dallas, Fort Worth, Houston, Austin and also Atlanta, Georgia.

1999 brought the acquisition of Maxxim, an environmental engineering company in Golden, Colorado in January, and the Mike Hawkins Company in Syracuse, Kansas in October.

In 2002, Terracon acquired the Titan Atlantic Group in North Carolina. 2003 brought the acquisition of KTE Engineering in Milwaukee and Kenosha, Wisconsin and the GAGE Group, Inc. in Columbia, South Carolina.

On Jan. 1, 2004, Terracon, Inc. was reincorporated in the state of Delaware as Terracon Consultants, Inc.

Pickett-Jacobs Consultants, Inc. in Lufkin and Tyler, Texas, and Genesis Engineering and Consulting in Little Rock, Ark. joined the Terracon family in 2004.

In October, 2004, Terracon's presence in Texas was expanded to San Antonio, Laredo and Pharr with the acquisition of Drash Consulting Engineers and in November, 2004 Terracon expanded into the state of Florida.

Terracon celebrated its 40th anniversary during 2005 and in December, 2005 with the acquisition of Zipper Zeman Associates, Inc. we expanded our growth into the Pacific Northwest.

In November 2006, Terracon purchased Spencer J Buchanan Associates, Inc. out of Texas as well as acquiring Ground Engineering Solutions, Inc. in the Greenville-Spartanburg, South Carolina area.

Early in 2007 the acquisitions of HC Nutting, Inc. helps Terracon to expand into the Ohio Valley and into the Northeast with JGI Eastern, Inc.

Terracon has experienced outstanding growth through geographical expansion and expansion of services offered. The growth success and reputation of the firm is the result of providing a quality service to our clients. Our future success is directly related to the individual and team efforts of all of our employees and adherence to professional standards and ideals.

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#### **Company Overview**(revised January 1, 2007)

Terracon provides client services through geographic based operational divisions and companies. These are supported by TCI Service Company, which has a corporate staff that provides accounting, sales and marketing, financial, legal, information systems, human resources, health and safety, purchasing and general administrative services.

The operating groups provide all of the various Terracon services to clients including geotechnical, environmental, and construction materials, facilities and pavement engineering. They are:

- Western
- Rocky Mountain
- South Central
- North Central
- East Central
- South East

Corporate Management of Terracon is through the:

- **Board of Directors,**
- **Operations Committee,**
- Human Resources Development Committee,
- Human Resources Policy and Benefits Committee,
- IT Steering Committee,
- Risk Management Committee,
- Safety Committee, and
- 401(k)/ESOP Trustees Committee.

The Board of Directors develops corporate philosophy and makes major management decisions. The Operations Committee has the responsibility for overall operations of the company including policies that affect the day-to-day operations such as technical and administrative procedures for the operating offices. The other committees are responsible for development of policies/procedures/business decisions to be presented to the Board of Directors and/or Operations Committee for approvals.

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#### **10 Code of Business Conduct and Ethics** *(Adopted 09/05, Revised 03/06)*

The [Terracon Code of Business Conduct and Ethics](#) applies to all directors, officers, and employees of the company, including the Chairman of the Board, Chief Executive Officer, Chief Operating Officer, Chief Financial Officer and the Controller, as well as any other person performing similar functions within the company.

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#### **11 Employee Relations**

The firm takes pride in the quality of work and spirit of cooperation and professionalism that prevails among its staff. Terracon attempts to treat all employees equitably and with respect for their individual capabilities. To demonstrate this commitment, Terracon:

- Employs and promotes on the basis of merit.
- Maintains fair and competitive salary programs.
- Provides in-house training programs.
- Affords opportunities for advancement and professional development.
- Promotes from within whenever possible.
- Endeavors to establish and maintain good communications among the staff.
- Provides personal security through a comprehensive benefit program.
- Seeks to improve working conditions and to develop human resources so the company can attract and retain the most capable people.

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#### **12 Client Relations**

The goodwill and confidence of our clients is essential to our business. Therefore, it should be the goal of all Terracon personnel to:

- Deal fairly and honestly with our clients.
- Handle client requests promptly and cheerfully.
- Exercise tact, patience and courtesy at all times.
- Give our clients full value on every service provided.
- Improve the range of our capabilities.
- Take personal interest and initiative in solving clients' problems that are within the realm of our professional activity.
- Protect our clients' right to privacy and confidentiality

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### 13 Public Relations

Making a favorable impression on people outside the company is always to our benefit. A good reputation affects the growth of our business and growth increases the opportunities for all. Your manner and your appearance, in addition to your technical expertise, contribute to the overall impression that our clients and the general public have of our firm. Wherever you are, what you do or say can add to or detract from our professional reputation.

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### 14 Conflict of Interest

The company does not want you in a situation where you might compromise your professional integrity or act in a biased manner because of a relationship with an outside third party or client or any other person who stands to gain through influencing your actions or judgment or that of any Terracon staff member.

Employees must avoid situations where their loyalties may be divided between Terracon interests and those of a customer, supplier, or competitor. Employees also must avoid even the appearance of improper personal advantage. The giving or accepting of bribes, kickbacks or other inducements, which are illegal or unethical, is strictly forbidden.

No employee may take advantage of an opportunity for personal gain that rightfully belongs to Terracon. An employee may not sell his or her own services or products, or those of another person or firm, if Terracon offers similar services or products.

Any instance where a Terracon employee is approached to act contrary to his or her professional judgment and integrity shall be reported to the Division Manager immediately.

This is not meant to preclude modest and reasonable entertainment of customers or prospective customers or the acceptance of same from suppliers or prospective suppliers.

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### 15 Confidentiality *(updated April 11, 2006)*

All jobs and assignments undertaken by the firm are confidential. Therefore, all information including studies, reports, notes, correspondence, letters and data, whether performed and/or prepared by us or received by us, are not to be divulged to third parties or used in any way without the approval of both the client and the Office Manager. Similarly, financial matters concerning our clients and projects are considered confidential and must not be discussed, except as necessary to conduct business.

In some instances, clients may require a separate confidentiality agreement be signed before any project information is shared. In these cases, the Legal department must review the confidentiality agreement and the staff working on the project must be aware of, and abide by, the terms of the specific agreement.

No copies of reports, either preliminary, marked-up or final, shall be taken or kept after the employee has finished work on that particular project, except for use as a guide in preparing future reports.

Except as necessary to conduct business, all confidential information of Terracon must not be discussed or posted. Confidential information includes the project and client information discussed above, business and financial information of Terracon, engineering ideas and designs, databases, configuration of computer systems, customer lists, pricing strategies, marketing plans and materials, personnel data, personally identifiable information of other employees (e.g. salary or performance review data), clients or other individuals, and other similar information to that listed.

When an employee leaves Terracon, all Terracon confidential information must be returned immediately to Terracon.

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### 16 Professional Liability

Terracon is a member of ASFE, an organization founded in 1970 by a small group of soil engineering firms within the United States. The organization was formed at a time when most soil engineering firms were having their professional liability insurance canceled because of a few large awards, primarily from large claims in California. The organization was formed to develop ways of limiting the soil engineers' liability to reasonable limits and to provide guidelines with regard to the presentation of reports and other written material so as to minimize the risk of lawsuits. Over the years,

ASFE has developed a number of guidelines which all members are expected to follow. The results have been quite successful. Principals at Terracon have been active in ASFE since its inception with several employees involved on committees or as national officers over the years.

As part of your employment with Terracon you will be provided various loss prevention and limitation of liability materials from ASFE and/or materials developed in-house. Periodic meetings will also be held with all employees to discuss the various aspects and importance of loss prevention. These will be provided over an extended period of time as you develop experience and familiarity with company goals and philosophy and as you advance within the organization. It will be your responsibility to implement this philosophy and utilize the literature as appropriate within your daily tasks. The purpose is not to pass on liability for our actions to others but to prevent assuming liability for actions by others.

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### **101 Nature of Employment**

Because employees voluntarily enter into employment with Terracon, they are free to resign "at will" at any time, with or without cause. Similarly, Terracon may terminate the employment relationship "at will" at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

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### **102 Recruiting and New Hire Procedures** (Revised May 15, 2006)

Terracon relies upon the accuracy of information contained in the "Employment Application", as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, misleading information, or material omissions in any of this information or data may result in Terracon's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

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#### **102.1 Recruiting Process** (revised July 13, 2006)

**102.11** A diagram of the [Recruiting Process](#). see page 37 of this document

#### **102.12 Open Position Requisition**

An online requisition must be completed for every position vacancy through the Applicant Management System (AMS). This system can be accessed via the [Recruiting Resource Page](#).

#### **102.13 Employment Advertising**

The corporate Human Resources department will run various national ads for the offices. Sites that we post to are Monster, Careerbuilder, America's Job Bank, and ASCE. These advertising sites should be selected on the Open Position Requisition that is completed online via the Applicant Management System (AMS). Local advertising (newspaper and internet) should be completed by the office. All advertising should refer candidates to apply online via [www.terracon.com](http://www.terracon.com).

#### **102.14 Use of Outside Recruiting Firms** (updated June 20, 2007)

##### **Policy Statement:**

Terracon acknowledges that a portion of our staffing requirements may be met through the use of outside recruiting firms. The use of an outside recruiting firm must be approved by the Division Manager. The Corporate Recruiting Manager is responsible for the identification and review of staffing related vendor relationships. Contractual agreements relating to fee schedules, bill rates, payment schedules, and replacement policies must be negotiated in advance by the Corporate Recruiting Manager. All outside recruiting firms must have a contract in place with Terracon before any recruiting is done on Terracon's behalf. This includes the review of resumes presented by an outside recruiting firm. A list of approved outside recruiting firms is posted on the [Recruiting](#) page of Terranet.

##### **Procedure:**

**A hiring Manager may use a recruiting firm when:**



- ☐ The agency is likely to provide well-qualified candidates who would otherwise not be available or qualified candidates are in short supply.
- ☐ The hiring Manager has received the appropriate approvals from the Division Manager.
- ☐ The hiring Manager has posted the position on the [AMS](#).
- ☐ The hiring Manager continues additional internal and external recruiting efforts.

**Hiring Managers responsibilities to the recruiting firm include:**

- ☐ Ensure that a search conducted by an outside recruiting firm complies with Terracon's policies and procedures.
- ☐ Instruct the recruiting firm to actively seek a diverse pool of candidates who meet all necessary requirements.
- ☐ When applicable, inform all other recruiting firms when a position has been filled.

Since Terracon is a government sub-contractor, regulations require Terracon to track all job applicants. The compilation of this job applicant data is performed by Corporate Recruiting. As such, the hiring Manager remains responsible for sending all resumes and applications (both from the recruiting firms and from internal recruiting) to the Corporate Recruiting department for processing. This includes any resumes received from recruiting firms and from all other recruiting sources (walk-ins, referrals, respondents to want ads, respondents to Terranet postings, etc.).

**Steps to follow when using an outside recruiting firm:**

1. Post your open position through the [AMS](#) (refer to the job aid provided by Corporate Recruiting Department on how to post your opening) on the Terracon web site.
2. Obtain approval from your Division Manager.
3. Assure the recruiting firm is on the list of approved firms and, if not, get contract approved and in place through the Corporate Recruiting Manager (Prior to accepting resumes or submitting a job order). A list of pre-approved recruiting firms is on the [Recruiting](#) page of Terranet.
4. If the recruiting firm is not on the list of approved firms you may send them the [standard Terracon Contract](#) to sign, after signed it should be returned to Corporate Recruiting. If they do not agree to the terms as originally stated it must go back through Corporate Recruiting for approval.
5. To avoid unnecessary fees and streamline the process Corporate Recruiting should be copied on every resume received from firms to assure we do not have the candidate direct. Please e-mail to [recruiting@terracon.com](mailto:recruiting@terracon.com)

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## **102.2 Employment Applications/Resumes** *(revised May 15, 2006)*

All candidates for employment should be referred to apply online via our web site [www.terracon.com](http://www.terracon.com).

Candidates that apply online will be entered into our Applicant Management System. Candidates that you interview for positions should complete a hard copy application with background check authorization.

**Walk-in applications** can be accepted for those candidates that do not have computer access. However, be aware that those applicants will not be tracked through our Applicant Management System and will not receive decline communication through the system. Hard copy applications should be forwarded to HR after a decision has been made.

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## **102.3 Post Offer/Pre-Employment Screening Requirements** *(Revised May 15, 2008)*

All applicants who have accepted a Terracon employment offer must pass a controlled substances ("drug") screen, driver's license check and background check prior to beginning work for Terracon.

**Drug Screen:**

1. The drug screen must be completed prior to the first day of employment but not more than 30 days prior to the prospective employee's start date.
2. The Corporate Services Representative (CSR) will schedule the prospective employee for his/her drug screening with the local clinic using the online process with [AllOne Health](#). (A username and password is required and has been provided to each CSR by AllOne Health.) A Power Point containing [Step by Step Instructions](#) is available on TerraNet.

3. Print out online information and give to the prospective employee with directions to the clinic. This paper must be presented to clinic personnel upon arrival along with appropriate identification.
4. Negative post offer drug screen results should be available online with AllOne Health within 72 hours after specimen collection.
5. AllOne Health will notify the Corporate Health and Safety Manager of any positive results after they have contacted the prospective employee. A positive screening result will make the prospective employee ineligible for employment.
  - ☐ This requirement applies to all Terracon positions.
  - ☐ Applicants who test positive will be eligible to reapply for employment after 6 months.
6. The complete Alcohol and Controlled Substance Testing Policy can be found in Section 115.

#### Driver's License Checks:

All prospective employees are required to sign a release authorizing Terracon to obtain their driving record and to complete a background check. These reports can be run **only** after Corporate Human Resources has received a signed Initial Notice and Consent to Obtain Background Investigation Reports form. The form is included in the Application Packets as well as being available on TerraNet. (An additional release for driving records is required by some states - a list is available on TerraNet.)

- ☐ Refusal to sign the release is a violation of policy and is cause for refusal of employment.
  - ☐ Applicants refusing to sign the release will not be eligible to reapply for employment for six months.
1. The CSR should fax the release(s) along with the application via the Human Resources Privacy Fax #913-307-1913 to the attention of their Human Resources Representative.
  2. The HR Rep will order the requested Driver's License and Background checks the day the required forms are received.
  3. The Human Resources Representative (HR Rep) will provide results to the local office within 72 hours after the order has been placed. If the complete report is not available within 72 hours, the HR Rep will notify the office of the delay and provide all known information including the date results are anticipated. At that time the Division Manager may proceed with hiring the new employee subject to receiving a satisfactory background check.
  4. See Section 116 of the HR e-Manual (Company and Client-Requested Background checks) for information on what constitutes successfully passing the background check.
  5. See Section 701 of the HR e-Manual (Motor Vehicle Operation) for information on what constitutes successfully passing the driver's license check.

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#### 102.4 Minimum Age of Employment (Revised March 27, 2008)

The permissible employment age for regular, full-time employees is 18 years old. With approval of the Regional/Division Manager, employees between the ages of 16 and 18 years old may be eligible for seasonal part-time or temporary employment. Employment of personnel under 18 years old is restricted to non-hazardous assignments in lab and office spaces.

Employees under 18 years old are **prohibited** from performing any of the following:

- No field operations will be permitted.
- No driving on company business (personal or company vehicles).
- No assisting with vehicle pick-ups or deliveries of supplies, cylinders, etc.
- No work with hazardous machinery (i.e., drill rigs, band saws, etc.).
- No work in or around excavations.
- No work with chemical substances (i.e., acids, solvents, etc.)
- No use or handling of nuclear density/moisture gauges.

Because seasonal part time/temporary employees between the ages of 16 and 18 years old are prohibited from driving on company business or working in safety-sensitive positions, the pre-employment drug screening, motor vehicle record checks and background check will be waived.

With the approval of the Regional/Division Manager, 17 year old applicants not in school may be eligible for full time

employment in accordance with the above. Drug screening, motor vehicle record checks and background checks will not be waived for 17 year old applicants for full time employment. A notarized authorization to conduct the pre-employment drug testing, motor vehicle records check and background check must be obtained from the applicant's parent/legal guardian prior to running any of the above mentioned tests/checks.

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#### **102.5 Rehire Certification** (Revised March 15, 2005)

Employees who are rehired within 63 days of termination must certify the validity of the information provided during their prior period of employment with Terracon. This may be done by reviewing the appropriate documents and completing the Rehire Certification which includes the completion of the prior work history, and/or employment with Terracon to amend the application on file. In addition, an office representative must review the previous I-9 form (Employment Eligibility Verification) to ensure the documentation previously provided has not expired. If the documentation is still current, the office representative will complete the re verification section of the I-9. If the documentation has expired, a new I-9 form must be completed by the employee, documentation reviewed and the form signed by an office representative.

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#### **103 Equal Employment Opportunity** (Revised February 11, 2009)

It is the policy of Terracon Consultants, Inc. and TSVC, Inc. (collectively "Terracon") not to discriminate against any applicant for employment, or any employee because of race, color, religion, national origin, sexual orientation, disability, age, gender, or military status. Terracon will take affirmative action to insure that the Policy is implemented, particularly with regard to: employment; upgrading; promotion; demotion; transfer; recruitment; recruitment advertising; layoff; termination; compensation; training; and working conditions.

Terracon will continue to make it understood by the employment entities with whom it deals, and in employment opportunity announcements that the foregoing is company policy; and that all applicants and employees will continue to be compensated, trained, advanced, demoted, terminated, hired, and transferred solely on the basis of the individual's merit.

All present employees are requested to encourage minorities, women, veterans, and qualified handicapped persons to make application for employment with the company or to apply for training in an approved On the Job Training or Apprenticeship Program. It is also the policy of Terracon to provide reasonable accommodations for qualified individuals with disabilities and for individuals with bona fide religious beliefs unless undo hardship would result.

It is the policy of Terracon to ensure and maintain a working environment free of harassment, intimidation, and coercion at all job-sites, and in all facilities at which employees are assigned to work. The Policy will be rigidly adhered to at all times. Any violation of the Policy should be reported immediately to your supervisor or to the Manager of Human Resources Administration.

It is the policy of Terracon that all job-sites and facilities, including company activities are non-segregated, except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the genders.

[2009 Equal Employment Opportunity Policy Statement](#) see page 38 of this document

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#### **104 Disability Accommodation**

Terracon complies fully with the Americans with Disabilities Act (ADA) and ensures equal opportunity in employment for qualified individuals with disabilities.

Terracon maintains an Affirmative Action Plan for individuals with disabilities to ensure equal employment opportunities.

Terracon will make reasonable accommodations for qualified individuals with known disabilities, where their disability affects the performance of their job functions, unless doing so would result in an undue hardship.

All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability

of the individual.

Terracon will follow any state or local law that provides greater protection for individuals with disabilities than the ADA.

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### 105 Immigration Law Compliance (I-9's)

The "Employment Eligibility Verification" Form ("I-9" form) is a required form for all employees. It is a verification of the immigration or naturalization status of an employee. It is required by the U.S. Department of Justice, Immigration and Naturalization Service and must be completed within the first 3 days of employment.

#### Completion

This form will be provided by Corporate Human Resources for all new employees. A list of acceptable documents can be found on the back of the form.

#### Distribution

The supervisor should send the completed "I-9" form (with document copies attached) to Corporate Human Resources. Any further distribution of the completed "I-9" form is the responsibility of Corporate Human Resources.

#### Responsibility

Under the direction of the hiring manager, the Corporate Services Representative (CSR) has the responsibility of completing and verifying the immigration or citizenship status of the newly hired employee and verifying the authenticity of the documents and confirming the accuracy of the certificate for possible fraud.

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### 106 Employment of Relatives

It is the policy of the company to seek the most qualified persons for all positions. However, supervisors or managers may not have direct supervision over the progress, performance, pay, or welfare of someone in their family.

For the purpose of this policy, members of the family include spouse, children, stepchildren, parents, siblings, in-laws or domestic partners.

The supervisor must notify the Human Resources Committee if any individual is being considered for a position with Terracon that may put them in conflict with the policy. The Human Resources Committee may grant exceptions to this policy based on the facts of the circumstances and potential effects of the perceived or potential conflict.

It is important that managers and supervisors be aware of and make every effort to avoid the potential perceptions of favoritism related to employment of relatives. This is particularly important when an exception has been granted or for situations not covered under this policy (such as when a manager has a family member who is not under their direct supervision in the same office).

The policy covers regular and part-time employees as well as agency workers.

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### 107 Employee Classifications (Revised January 24, 2006)

Terracon employs people in various classifications. These classifications are important because they determine methods of compensation and levels of benefits. A summary of these classifications and the respective benefits for each is shown in the table below:

	Regular Employee		Temporary Employee	Part-Time Employee
	Full-Time	Less than Full-Time*		
Weekly scheduled worked hours	Minimum of 40 hours per week	30 to 39 hours per week	May be from 8 to 40 hours per week	Less than 30 hours per week

Benefit Eligibility	Full Benefits	*	**	**
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Statutory benefits (Workers' Compensation, FICA, and Unemployment Benefits) apply to all employee classifications.

\* This classification is allowed only with approval of the Division Manager.

Medical, dental and flexible benefits are not prorated.

- Life, Accidental Death and Dismemberment, Short and Long Term Disability Insurance benefits are based on scheduled hours worked.
- Eligible to enroll in Terracon Savings and Stock Ownership Plan.
- Holiday pay and Paid Time Off benefits are prorated based upon ratio of weekly scheduled hours divided by 40.

\*\* Employee eligible for Terracon Savings and Stock Ownership Plan, if employee meets plan requirements, plus statutory benefits.

#### Regular Employees

A regular employee is employed to work between 30 and 40 or more hours per week.

Regular employees are eligible to participate in all employee benefits and company activities, subject to any limitations noted in the description of these benefits and activities.

Those who work a regular schedule between 30 and 39 hours per week earn prorated holiday and Paid Time Off benefits. For example, an employee scheduled for 30 hours per week earns these benefits at 75% of that of a 40 hours per week employee.

There are 3 sub-groups of regular employees:

#### Principal Employees

Employees in this category are "exempt" from the overtime provisions of the Fair Labor Standards Act and, therefore, are not eligible for overtime pay.

Employees in this category should only report time off on the time sheet in 8 hour increments. Example: An employee works 6 hours and is out of the office for 2 hours for a medical appointment, 6 hours will be recorded on the time sheet. The employee will automatically be paid for the entire day through the payroll system.

At the discretion of the Human Resources Committee, employees in this category are eligible for an annual bonus based on the profitability of the company and the general performance of the employee during the past fiscal year. Bonuses are generally paid in late December.

#### Salaried Employees

Employees in this category are "exempt" from the overtime provisions of the Fair Labor Standards Act and, therefore, are not eligible for overtime pay.

Chargeable project hours worked in excess of 44 chargeable hours per week will be paid as described below to employees in this category:

The employee's annualized salary will be divided by 2,080 hours. Example: An employee with annualized salary of \$20,800 works a total of 62 hours in one week of which 55 hours are chargeable, and 7 hours are non-chargeable:

55	Chargeable Hours	11	Additional Hours
-44	Base Hours	x \$10	(\$20,800/2,080)
11	Additional Hours	\$110	Additional Pay

Employees in this category must only report time off on the time sheet in 8-hour increments. Example: An employee works 6 hours and is out of the office for 2 hours for a medical appointment, 6 hours will be recorded on the time sheet. The employee will automatically be paid for the entire day through the payroll system.

Employees in this category are eligible for an annual bonus reflecting the 12 month period from approximately September 15th to September 15th. The bonus is usually paid in November or December.

The bonus is based on three prevailing items:

- the quality of the employee's performance,
- number of hours worked during the time period, and
- the profitability of the company during the time period.

#### Hourly Employees

Employees in this category are "non-exempt"; therefore, they are covered by the overtime provisions of the Fair Labor Standards Act.

Hourly employees receive overtime pay for hours worked in excess of forty (40) hours per week at the rate of 1-1/2

times the base hourly rate.

Paid Time Off is not considered as hours worked in the determination of paid overtime. Holiday pay will count as "hours worked" when calculating overtime.

Hours worked on Sunday and designated holidays when the office is otherwise closed will be paid at the base rate unless the employee has already worked 40 hours that week.

Nothing contained herein should be construed as a guarantee of 40 hours of work per week.

#### **Temporary Employees and Part-Time Employees**

A temporary employee is one whose term of employment is for a limited period of time or for a defined time, usually 30 days, prior to being placed on regular status.

A part-time employee is one who is employed to work less than 30 hours per week.

Employees in these categories will work the number of hours directed and approved by their supervisors.

They may be paid on a salaried or an hourly basis, depending upon the duties and responsibilities of the position and the qualifications of the individual needed to assume the position.

Those employees classified as "exempt" (not covered by the overtime pay provisions of the Fair Labor Standards Act) will be paid a salary offered by the supervisor and agreed to by the respective employee.

Those employees classified as "non-exempt" (covered by the overtime pay provisions of the Fair Labor Standards Act) will receive overtime pay as described above under "Hourly Employees."

Temporary and part-time employees are eligible for statutory benefits (Worker's Compensation, FICA and Unemployment Benefits) and the Savings and Stock Ownership Plan; however, they are not eligible for other voluntary employee benefits, employer paid benefits, holiday pay and Paid Time Off benefits.

Nothing contained herein should be construed as a guarantee of forty (40) hours of work per week.

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### **107.1 Agency/Leased Work Classifications** (Revised September 26, 2007)

#### **Agency workers**

An agency worker is employed by an agency that is contracted by Terracon to provide services. The agency must provide Terracon a negative drug screen report and a Department of Motor Vehicle Report for their worker which meets Terracon's criteria.

#### **\* EXCEPTIONS:**

- The drug screen requirement will be waived if required by state law.
- For agency workers who will be assigned in an administrative capacity for 2 weeks or less, the Office Manager may:
  - waive the requirement for a drug screen and/or background check, and
  - waive the requirement for an MVR if the position does not require driving on company business.

An agency worker will also be required to complete Terracon's Safety Orientation program and sign the [Agency/Leased Worker Acknowledgement Form](#) agreeing to abide by Terracon's policies and practices.

Once an Agency Worker has provided services for 2 weeks, an "Agency Worker" Form must be completed at the local office and forwarded to Corporate Human Resources. At that time the worker is placed on the Job Cost system in Accounting.

Terracon may subsequently hire an agency worker as a regular employee, if they have been an agency worker with Terracon for at least 60 days. Costs of hiring the agency worker may vary depending upon the contract with the agency. Please review the terms of the agency agreement for specific costs.

Use the "Agency Worker" Form for all agency worker terminations.

#### **Leased workers**

A leased worker is employed through an agreement with an outside company and Terracon to provide services. A leased worker must pass the same Driver's Qualifications as a Terracon employee and must provide a copy of their valid Driver's License prior to providing services to Terracon. A leased worker will also be required to complete Terracon's Safety Orientation program and sign the [Agency/Leased Worker Acknowledgement Form](#) acknowledging Terracon's

policies and practices.

Leased employees are not eligible to become Terracon employees as per the lease agreement.

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### **108 Change in Employee Classification—Benefit Eligibility** (Revised July 1, 2007)

A classification change from a temporary or part-time to regular full time employee requires the completion of the eligibility requirements for employee benefits as stated below (pro-rated if placed on Regular Less Than Full Time status):

Benefit	Eligibility Requirements
Paid Time Off (PTO)	Begins accumulating immediately on change to regular status. On a one time basis, Terracon temporary or part-time employees who are placed on regular status will be given credit for up to 30 days of consecutive service and given PTO that would have been earned during that time if the employee averaged at least 30 hours work per week during that period.
Holidays	Begins immediately on change to regular status. On a one time basis, employee will retroactively receive 8 hours holiday pay for any holiday that occurred in the 30 days as a Terracon temporary employee prior to change to regular status if the employee averaged at least 30 hours work per week during that period.
Medical, Dental, Vision, Legal Services, Long Term Care and Flexible Benefit Plan	First of the month after 30 days of continuous regular employment. Coverage will start the first of the month concurrent with or following being placed on regular status.
Life, AD&D & Short and Long Term Disability Insurance	Begins immediately upon being placed on regular status.
Auto and Home Insurance	Eligibility for enrollment begins immediately upon being placed on regular status.
Terracon 401(k) and ESOP Plan	As defined in Summary Plan Description and in <a href="#">401(k) section</a> on the Benefits tab of TerraNet.

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### **109 Operations' Job Titles** (Revised January, 2008)

Through discussions with their supervisor, all employees should be aware of their current job classification.

The Operations' Job Titles for [hourly](#) and [salaried](#) employees are shown here.

Hourly see page 39 of this document; Salaried see page 40 of this document

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### **110 Wage/Salary Review** (Revised April 13, 2001)

The wage/salary of each employee is reviewed on an annual basis, usually during the first quarter of the calendar year.

Wage/salary adjustments are made following the review, and are based upon the employee's performance, progress, degree of responsibility and economic factors.

There are no automatic wage/salary increases. Every adjustment and its amount will be determined on an individual basis.

In the event that a wage/salary adjustment is not made after the annual review, the employee will be so notified by their supervisor.

The wage/salary of a new employee is not usually reviewed if the date of employment is less than four months prior to the time of the annual salary review.

Interim wage/salary adjustments are sometimes made at other times during the year as warranted by special circumstances, or in case of special merit or change in responsibilities, and approved by the OGM.

**Procedure**

Human Resources will prepare a spreadsheet for each office showing the current employees, last year's W-2 earnings, current rate of pay, hire date and position title.

Recommended wage/salary adjustments will be made by the Office Manager and forwarded to the Regional and Division Managers for their concurrence before forwarding to the OGM for final approval.

After approval, Human Resources will produce separate sheets that will be distributed to each employee through the supervisor showing new rates of pay. Each Office Manager, Division Manager and Regional Manager will receive composite sheets with the new wage and salary information.

Effective dates:

- Hourly and Salaried employees: First pay period in April.
- Principal employees: First pay period in May.

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**111 Attendance****111.1 Work Hours and Schedule** *(Revised January 1, 2006)*

The success of the Company depends upon the cooperation and commitment of each member of our team. It is important for employees to be available to our clients and other employees from 8:00 a.m. to 5:00 p.m., Monday through Friday. Attendance and punctuality are extremely important. Unscheduled absences and tardiness place a burden on other employees and on Terracon.

In order to fulfill all the duties of their position, salaried employees will typically work over 40 hours per week, and often between 45-50 hours per week. Terracon also expects salaried employees to adhere to the Monday-Friday work week.

Following are guidelines concerning employee absences:

- It is important for employees to report to work on time and be ready to work at their starting time.
- Employees who cannot avoid being late to work or are unable to work as scheduled should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence, but in no event later than 1 hour after the scheduled start time.
- Unless other arrangements have been made with the supervisor, the employee should call the supervisor prior to each day of absence.
- If an employee is absent due to illness or injury, Terracon reserves the right to require the employee to:
  - be examined by a physician of the Company's choosing at no cost to the employee, and/or
  - to produce a physician's certificate releasing the employee to return to active employment at the time of return to work.

If a salaried employee is absent from work an entire week day, those 8 hours should be reported on the Time and Expense Report in one of the following ways:

- 8 hours of PTO;
- No hours reported on that day. The employee will not be paid for that day; or
- No hours reported on that day. With the Office Manager approval on the Time and Expense Report, the employee will be paid their full salary during that week. This should not occur on a routine basis; it should be reserved for extraordinary circumstances such as when the employee has been consistently working well in excess of the typical work week (which is described above) for an extended period of time.

**111.2 Flextime** *(added January 1, 2006)*

Terracon encourages supervisors to permit reasonable adjustment to the normal work day (Flextime) when possible to



accommodate individual employee needs such as transportation, education, personal and family care commitments.

Office Managers should attempt to accommodate the Flextime needs of their employees and balance those with prudent business operations so that there is minimal impact to the client or office functioning. For example, there may be occasions when it may be possible and practical for employees to accomplish some of their work while remaining at home or on an alternative work schedule.

**Flexible Time Off (FTO) : Time off in lieu of payment for chargeable hours in excess of 44 for salaried employees (Effective April 1, 2006):**

As discussed in Section 107 in the HR e-Manual, salaried employees are "exempt" from the overtime provisions of the Fair Labor Standards Act and, therefore, are not eligible for overtime pay. However, chargeable project hours worked by these employees (excluding Senior Principals and Principals) in excess of 44 chargeable hours per week will be paid at a "straight time" rate. As an option, the employee may request that these excess hours be transferred to their FTO bank to be taken as time off at a later date. A maximum of 40 hours per year can be transferred to the FTO bank under this provision. An amount of 80 hours can be accumulated. Banked hours can be cashed out in whole or in part once per year. Participation in the FTO program can be changed at any time. The new change will become effective at the beginning of the next quarter.

FTO hours can only be used in 8 hour increments and should be charged to Work Code 297.

**111.3 Office Closure Policy** (added June 16, 2008)

Terracon is sensitive to the needs of its clients and makes every attempt to have office remain open. In times of emergency, we may need to close an office.

When an office is officially closed by the Office Manager (with approval of the Division Manager), Terracon will pay employees for the first 8 hours the office is closed. Employees should use the project number xx070200 (general admin) with work code 221 (general admin) for this first 8 hours on their timesheet.

If the office remains closed for a second consecutive work day, employees should use Paid Time Off (PTO) or take unpaid leave for that day. At the discretion of the Office Manager, employees may work from home, at which time applicable rules would apply to payment. See section 107 of the HR e-manual "[Employee Classifications](#)".

If the office is closed for a third consecutive day, the Operating Group Manager will determine payment of employees depending on the circumstances of the situation.

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**112 Employee Personal Appearance** (Revised November 7, 2001)

Employees are expected to present a business-like appearance during work hours and at other times where they represent the firm. All employees, either by personal contact or telephone, interact with clients, vendors and others both in the field and in our offices and should present a quality image of the firm.

The Office Manager will determine what constitutes appropriate personal appearance within each office.

Uniforms will be issued to full time drillers, full time construction services employees, environmental staff heavily involved in field work such as sampling and remediation, supervisors and field personnel who visit project sites on a regular basis, and part-time field employees.

The purpose of the uniform is to present a recognition factor and improved image on project sites. All employees receiving uniforms will be expected to wear them at all times on project sites. For more information on uniforms, see the "Uniform Program" which can be found under Purchasing Tools on TerraNet.

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**113 Tobacco Free Workplace Policy** (updated January 1, 2009)

The use of tobacco or tobacco products is not permitted in any part of company buildings or vehicles.

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**114 Secondary Employment (Moonlighting)** (updated February 29, 2008)

Terracon's workload is unpredictable. Upon occasion, our employees are asked to work unusual and/or long hours, sometimes with short notice, and outside employment or self employment must not restrict this flexibility. Any question regarding such activity should be discussed with the supervisor or Office Manager.

Work for others or self employment cannot be performed during normal work hours, or be performed for Terracon clients or fall within a range of services normally provided by Terracon.

Terracon equipment shall not be used when working for others.

Moonlighting by an employee is permitted for hourly or temporary employees as long as the work does not interfere with the duties at Terracon.

Salaried employees must receive written permission from their Operating Group Manager before performing services for others or themselves. Normally, this will be strongly discouraged.

Work done for gratis such as for a friend, neighbor or civic organization is acceptable (normally on your own time) so long as it does not in any way reflect actual or perceived liability by Terracon and/or fall within a range of services normally provided by Terracon nor using Terracon equipment.

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#### **115 Drug and Alcohol Use** (Revised May 14, 2008)

Terracon is committed to providing a safe, healthy and efficient working environment free of illegal and non-prescribed drug use, on the job alcohol use, and the use of prescription drugs not authorized by a physician. The sale, purchase, use, storage, possession and/or reporting to work under the influence of non-prescribed narcotics, hallucinogenic drugs, alcoholic beverages, inhalants, marijuana or other non-prescribed controlled substances or illegal drugs (collectively referred to as "controlled substances") while on the property of Terracon or while performing business on behalf of Terracon is prohibited. In addition, the sale, purchase, use and possession of equipment, products and materials which are used, intended for use of, or designed for use with controlled substances while on the property of Terracon or while performing any business on behalf of Terracon is prohibited.

Reporting to and being at work with a measurable quantity of over the counter or prescription drugs is prohibited when, in the opinion of Terracon, such use prevents the employee from performing the duties of his or her job, or where such use poses a risk to the safety of the employee, other persons or property. If an employee is taking over the counter or prescription drugs which may interfere with the employee's judgment, reflexes or the ability to perform their job, the employee is required to immediately notify their Supervisor or Office Manager. In such cases, the employee must either be assigned to a limited duty status, utilize paid time off (or workers compensation benefits if applicable) or take an unpaid leave of absence.

The violation of this policy will not be tolerated and will be grounds for disciplinary action up to and including termination of employment.

Alcohol may be permitted at company-sponsored client functions either at a Terracon facility or another location under the following requirements:

- The Operating Group Manager must review the event and general invitees (prior to the event) and give the office written approval to provide alcohol at the event.
- Providing alcohol may be done only with continuous management supervision. At the approved events, there will be a limited amount of alcohol distributed in a closely controlled manner so that the chance of excessive consumption is minimized. Alcoholic beverages will be removed from the facility immediately following the conclusion of the client event.
- It is the responsibility of each employee to personally limit alcohol consumption.
- If the employee is impaired and unable to drive, the company will provide alternate transportation to the employee's home at no cost to the employee.
- Any storage of alcoholic beverages on company property is strictly prohibited except in conjunction with the aforementioned company-sponsored client functions.

The entire Controlled Substances and Alcohol Policy can be viewed [here](#). see pages 41-47 of this document

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#### **116 Company and Client-Requested Background Checks** (Revised October 17, 2005)

Terracon takes seriously our responsibility to promote a safe work environment for current and future employees and clients. Effective October 17, 2005, a background check will be instituted as an important part of our candidate screening and selection process.

Prior to employment, each candidate must complete a satisfactory background check. A satisfactory background check

means the absence of a criminal conviction record which is relevant to the candidate's suitability to perform the required duties and responsibilities of the position.

- Any candidate with a felony conviction record would not be eligible for employment.
- If a background check reveals a criminal conviction, other than a felony conviction, the Operating Group Manager will be informed and final determination regarding employment of the candidate will be made by the Operating Group Manager and the Manager of Human Resources Administration.

Terracon will conduct background checks in compliance with all federal and state statutes, including the Fair Credit Reporting Act, as applicable. This background check will be conducted by your Corporate Human Resources Representative after the completed application including the "Initial Notice and Consent to Obtain Background Investigation Reports" form has been received by Corporate Human Resources.

Information obtained from the background check process will only be used as part of the screening and selection process and will be kept strictly confidential. The candidate's Operating Group Manager and Human Resources personnel will have access to this information with other supervisory personnel having access on a "need to know" basis. The candidate will be provided a copy of the background report if any adverse action is taken by Terracon as a result of the background report.

Background checks may also be performed for existing employees as required by specific clients or contracts. Employees will be notified about these background checks prior to Terracon conducting the background check.

#### **Subsequent Criminal Convictions**

In the event that any current employee is convicted of a criminal act after the effective date of this policy, that employee must inform his/her Office Manager, who will then notify the Manager of Human Resources Administration.

The Operating Group Manager will be informed and final determination regarding continued employment will be made by the Operating Group Manager and the Manager of Human Resources Administration based on the relevancy of the conviction to the employee's position. If the conviction is relevant, disciplinary action will be taken up to and including termination of employment. Any felony conviction will result in termination of employment.

After October 17, 2005, an employee who fails to notify Human Resources about a criminal conviction that Terracon believes to be relevant to the employee's job will be subject to disciplinary action up to and including termination of employment.

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#### **117 Harassment/Discrimination-Free Workplace** (Revised February 29, 2008)

Terracon is committed to maintaining a work environment that is free of discrimination. Accordingly, this policy forbids any discriminatory employment action or any unwelcome conduct that is based on an individual's race, color, religion, gender, national origin, age, disability, ancestry, marital status, military status, citizenship status, sexual orientation, or any other protected status of an individual or that individual's associates or relatives. Terracon will not tolerate any form of harassment of our employees or other persons performing services for our company by anyone, including any supervisor, co-worker, vendor, client, non-employee or customer of our company.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a protected group status.

Terracon will not tolerate harassing conduct of a severe or pervasive nature that:

- Affects tangible job benefits and is made a condition of employment
- interferes unreasonably with an individual's work performance
- creates an intimidating, hostile, or offensive working environment

Such harassment may include, for example:

- jokes about another person's protected status or about a protected category
- kidding, teasing or practical jokes directed at a person based on his or her protected status.

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex may constitute sexual harassment. Sexual harassment is unwelcome conduct based on sex, whether directed towards a person of the opposite or same sex, and may include:

- explicit sexual propositions
- sexual innuendo (sly remarks)

- suggestive comments
- sexually oriented "kidding" or "teasing," practical jokes, and obscene printed or visual material (including e-mail)
- physical contact such as patting, pinching, or brushing against another person's body
- treating people differently, even in non-sexual ways, solely because of their gender

All employees are responsible to help assure that we avoid discrimination and harassment. If you feel that you have experienced or witnessed any conduct that is inconsistent with this Policy, you are to notify your supervisor, Office Manager or the Manager of Human Resources Administration.

Terracon forbids retaliation against (getting even with) anyone for reporting discrimination or harassment, assisting in making a discrimination or harassment complaint, cooperating in a discrimination or harassment investigation, or filing an claim with EEOC or a state governmental agency. If you feel you have been retaliated against, you are to notify your supervisor, Office Manager or the Manager of Human Resources Administration.

Terracon's policy is to investigate all discrimination and harassment complaints thoroughly and promptly. To the fullest practical extent, Terracon will keep complaints and the terms of their resolution confidential. If Terracon reasonably believes, even if the behavior in question was not unlawful but violates the spirit and intent of this policy, Terracon will take corrective action, including discipline, up to and including immediate termination of employment.

#### Complaint Procedure

- Any employee who wishes to report an incident of harassment should report the incident to his/her supervisor or the Manager of Human Resources Administration immediately.
- If the supervisor or Manager of Human Resources Administration is unavailable or circumstances lead the employee to believe it would be inappropriate to contact that person, the Corporate Legal Department should be contacted. The employee is assured of being able to raise concerns and make reports in good faith without fear of reprisal.
- The complaint will be kept confidential to the maximum extent possible.
- The Manager of Human Resources Administration will investigate the incident. **Terracon will investigate all complaints even if the complainant requests that no action be taken.**
- If the investigation supports the claim of harassment, appropriate action, up to and including termination, will be taken.
- Any supervisor or manager who becomes aware of possible harassment must promptly advise the Manager of Human Resources Administration who will handle the matter in a timely manner. This must be done, even if the employee has asked the supervisor to not tell anyone else, or to take no action.

#### Harassment Investigation Procedure

The Manager of Human Resources Administration will appoint investigators.

These investigators (with the assistance of the Manager of Human Resources Administration), depending on the specifics of the complaint, will:

- ask the complainant if he/she is comfortable with the investigator and assure him/her that they will conduct a fair and impartial investigation.
- get all the details from the complainant, including any history between the complainant and the accused harasser, the names of any witnesses, any physical evidence (e.g., notes, gifts, pictures), etc.
- make sure the complainant understands that all information will be kept confidential to the extent possible, but not secret; the harasser will be given the opportunity to respond to the complaint and that all the information could ultimately come out in court.
- assure the complainant that no retaliation will be tolerated and that he/she should promptly report any suspected retaliatory actions.
- make an immediate written record of the allegations, ask the complainant to review it, make any changes, and then sign it to indicate that it is accurate.
- prepare a list of the people to be interviewed, the order of the interviews and the questions to be asked to each person.
- provide the accused harasser the information about the complaint so that he/she has an opportunity to present his or her side of the story.
- make a written record of each interview, ask the person to review it and make any changes, and then sign it, indicating that it is accurate.
- review all information, and with all employees conducting the interviews, make credibility resolutions, if necessary, based on the interviews.

- draw a conclusion as to what likely happened; and
- determine the appropriate remedial disciplinary action, if warranted.
- review proposed remedial action with complainant to determine complainant's position as to the adequacy of the response.
- promptly take appropriate remedial action.

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### **118 Overtime Work Scheduling**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours.

When possible, advance notification of these assignments will be provided.

Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

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### **119 Immigration Assistance Policy**

Effective April 1, 2005

Terracon recognizes the need for offices to seek and retain employees and prospective employees, hereafter referred to as "employees", who may require assistance in acquiring and retaining immigration visas to allow the employee to live and work in the United States. Therefore, we have adopted the following policies regarding assistance to employees in obtaining immigration visas.

#### **Document Support**

Terracon will cooperate with all document requests by our employees in their personal efforts to obtain immigration visas by providing information and document support to the extent we are legally able to do so.

#### **Visa Application Preparation and Filing Support**

In addition to document support, Terracon will provide the following application and filing benefits:

##### **TN Visas**

At the request of the Office Manager and with approval of the Division Manager, Terracon will prepare all necessary paperwork and documentation necessary for the application of TN visas for qualifying employees at the Canadian and Mexican borders. Terracon will not offer assistance for filing by mail, and the employee will be required to submit their application at the border. Terracon will reimburse the employee for the \$50 filing fee.

##### **TN Visa description:**

- Eligible to Mexican or Canadian citizens under NAFTA.
- One (1) year life with no government limitation on renewals.
- Visa is classified as temporary and individuals holding TN Visas cannot apply for Green Cards.
- Visa is typically obtained at the Mexican or Canadian border, not through a prior application process.
- The approximate cost of obtaining a TN Visa is less than \$100.

##### **H-1B Visas**

At the request of the Office Manager and with approval of the Division Manager, Terracon will provide H-1B visa preparation and filing services to qualifying salaried employees (hourly employees will not be sponsored due to restrictions on visa eligibility). As these services require outside counsel oversight and significant internal resources to prepare, the employee will be required to reimburse Terracon five hundred dollars (\$500) towards our preparation cost, which shall be deducted from their paycheck over the course of five (5) pay periods.

##### **H-1B Visa description:**

- Available to specific degreed professionals.
-

Salary of position must meet prevailing wage.

- No citizenship requirement.
- Visas have a three (3) year life with a renewal option for an additional three (3) years – total life of H-1B is six (6) years.
- Currently, there is a government-imposed cap of 65,000 H-1B Visas available annually.
- Current non-refundable, non-reimbursable application costs to Terracon of H-1B is \$2,185, not including preparation expenses.

**“Green Card” Visas:**

Terracon will sponsor and fund application expenses for Lifetime Permanent Residency visas, otherwise known as “green cards” for employees if the following criteria are met:

- Approval by the Office and Division Manager
- Approval by the Operating Group Manager
- Approval shall be based upon the need for the position and the employee’s performance

**Permanent Residency Visa description:**

- Available to specific degreed professionals.
- Allows individual to remain in the United States indefinitely, with no renewal requirement.
- Approximate costs to prepare and apply for Green Card are in excess of \$6,000.

Once the necessary approvals have been obtained, Terracon will secure outside counsel to prepare and file “green card” applications. As these services require significant outside counsel resources, the employee will be required to reimburse Terracon three thousand dollars (\$3000) toward our preparation costs, which shall be deducted from their paycheck over the course of ten (10) pay periods.

**OTHER ISSUES:**

- All immigration services are being performed on behalf of Terracon and not the individual employee.
- Terracon may choose and retain outside counsel solely at our discretion.
- Employees may refuse these benefits and retain their own outside counsel but are wholly responsible for their performance and cost.
- Employees are wholly responsible for visa application efforts for family or dependents. Terracon can recommend counsel, if requested by the employee.
- Employee cooperation is required for all preparation and application efforts.
- Terracon offers no guarantees that the United States will approve any visa application and Terracon will not be responsible in any way for any denial of a visa request.
- Visa status does not constitute an employment guarantee. Employee will remain employed at-will despite any visa duration.
- Tracking of renewals will be the employee’s responsibility.

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**122 Relocation**

With approval, Terracon will provide a relocation package to reimburse reasonable expenses incurred by an employee requested to relocate his or her residence, or a newly hired employee residing at a location beyond reasonable commuting distance from the work location.

Reasonable expenses would include:

- Housing hunting
- Temporary living
- En route expenses
- Moving of household goods and personal effects
- Moving of automobile

- Relocation allowance

A letter outlining all aspects of the relocation package will be prepared by the supervisor and have corporate approval prior to the presentation to the employee or applicant. This information is also contained on the "Exception" form. Typically, the letter would include a maximum amount that will be reimbursed for the relocation, and each one is tailored to the specific situation. All relocations will be arranged by Corporate Human Resources.

This letter also states the circumstances under which Terracon will require repayment of the relocation expenses, which typically is a reducing scale for a period of 3 years.

- If the employee voluntarily leaves the employ of Terracon during this period of time, repayment is taken from the employee's final paycheck.
- If the final paycheck is not large enough to recover the entire amount, the remainder will be placed on the "Relocation Repayment" Form, which the employee must sign with an agreement to make arrangements for the remainder of the payment.

**Filing for Reimbursement**

The employee must file an "Employee Relocation Expense Reimbursement Request" in order to obtain reimbursement. Relocation expenses should never be reported on the Time and Expense Report.

Receipts are required for all reimbursements.

Current information on the taxability of the relocation expenses is contained on the Request form.

The form must be approved by the Office Manager/Supervisor and sent to Corporate Human Resources for approval.

Corporate Human Resources will then send the form to Accounting for payment.

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**123 Internal Job Postings and Recruitment** *(Revised November 7, 2007)*

Terracon is committed to assisting employees to reach their professional goals through internal promotions and transfer opportunities. When a job opening occurs, employees are encouraged to utilize the internal application to formally apply for career opportunities. Open communication between the employee, the Hiring Manager and the Releasing Manager is essential in avoiding any misunderstandings or situations leading to internal conflict.

**Purpose:**

- ☐ Develop employees for career success.
- ☐ Provide career opportunities for our employees to develop and succeed in rewarding careers.
- ☐ Develop awareness of job openings and career advancement across Terracon.
- ☐ To provide managers with qualified internal applicants.

**Scope:**

- ☐ This policy applies to Terracon's regular full-time salaried and hourly positions.
- ☐ The Hiring Manager and human resources may elect not to post certain positions on an exception basis.

**Responsibilities:**

- ☐ Employee:
  - ☐ Views open positions as posted on TerraNet.
  - ☐ Inquires about a position to find out information leading to a decision of interest.
  - ☐ Completes Internal Application and attaches necessary documentation.
  - ☐ Obtains his/her supervisor's signature OR goes through Corporate Recruiting for assistance in obtaining approvals. Internal Application will then be submitted to the Hiring Manager. (electronic approvals will be accepted)
  - ☐ If the supervisor does not sign off on internal application, the employee may contact their Operating Group Manager or Corporate HR if he/she feels it is unjustified.

**Hiring Manager:**

- ☐ Generates job posting through Applicant Management System (AMS).
- ☐ Assures the internal application has been completed and sent to Corporate Recruiting.
- ☐ Once employee is considered a viable candidate, the Hiring Manager will notify the Releasing Manager he/she has received an internal application from their staff.
- ☐ Obtains any information from Releasing Manager in order to make the best informed decision.
- ☐ Prior to any discussion of an offer, assures that Corporate Recruiting and the Releasing Manager are aware of the internal application.
- ☐ The Hiring Manager is responsible to fill the position with the most qualified candidate adhering to Terracon's EEO policy.
- ☐ Partners with Releasing Manager to determine employee transfer date.

**Releasing Manager:**

- ☐ The Releasing Manager should understand and encourage employee's career goals. Consistent use of Terracon's PMCD program will help in defining career objectives and encouraging employees to pursue career development.
- ☐ The Releasing Manager (who is not the Office Manager) will notify the Office Manager of the internal application.
- ☐ Releasing Manager and Hiring Manager negotiate employee's transfer date.
- ☐ When the Releasing Manager and employee agree not to pursue the internal opportunity, the internal application should state reasons and should be submitted to HR to be kept in employee files.

**Corporate Recruiting:**

- ☐ Provides a link on TerraNet with a list of current openings.
- ☐ Provides current opening data for various Terracon newsletters (including the Employee Update, and department quarterly updates).
- ☐ Coordinates with Hiring Manager, Releasing Manager and Employee on the internal application process.
- ☐ Liaison with employee and Releasing Manager as needed.

**Process:****Eligibility:**

- ☐ Meet the experience and educational requirements as outlined in the job posting announcement. (meeting minimum requirements does not necessarily guarantee an interview)
- ☐ Employed at Terracon with a minimum of 12 months of service. (Exceptions can be made on a case by case basis with approval of Releasing Manager)
- ☐ Achieve acceptable job performance.

**Interviewing:**

- ☐ The Hiring Manager arranges and conducts interview of the selected candidates.
  - ☐ Travel expenses may be covered at the discretion of the Hiring Manager.
- ☐ External recruiting may take place simultaneous to the posting to expedite the process.
- ☐ If the internal candidate does not meet the qualifications or is not selected for interview or hire, the Hiring Manager provides an explanation to the candidate and Releasing Manager of why the individual was not selected.
- ☐ Hiring Manager may conduct a reference check with employee's supervisor.

**Offer:**

- ☐ Hiring Manager determines the starting salary as determined by compensation guidelines.
- ☐ Hiring Manager negotiates transfer date for employee with Releasing Manager, insuring a minimal negative impact on business. A reasonable period of time is typically two weeks for non-exempt and four weeks for exempt employees.
- ☐ Hiring Manager generates the appropriate paperwork for transfer.
- ☐ All Internal applications are submitted to HR for retention once a hiring decision has been made.
- ☐ Relocation may be included as part of the offer and is typically paid by the hiring department. Relocation is handled on a case by case basis within the guidelines of Terracon's relocation policy.

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**124 Employee Referral Program** (Revised March 24, 2008)

All employees are eligible for the program except for senior principals, principals, individuals to whom the new employee reports (directly or indirectly) and Corporate Human Resources employees.

Employees can refer candidates for current open positions or make a general referral by having an applicant name the qualifying employee when completing an online or a paper Application of Employment. The applicant must not have been employed with Terracon in the last 12 months. The referral is valid for a 12-month period.

A bonus of \$2,500 will be paid for the referral of a salaried employee and \$1,000 will be paid for the referral of an hourly employee. The full bonus will be paid as soon as practical following the referred employee's completion of 90 calendar days **and** being placed on regular status (See [Section 107](#) above). The bonus will be subject to mandatory payroll taxes. Both the referring employee and the referred employee must be actively employed at the time of payment in order for the employee who made the referral to receive the payment.

Operating Group Managers must approve any exceptions to this policy.

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**126 Employee Award Programs** (Revised January 1, 2005)

Our employees' hard work and dedication contribute in many ways to our success, including client satisfaction and our healthy financial performance.

Terracon makes every effort to reward and recognize hard-working, practical and entrepreneurial employees at all levels. As part of our overall recognition framework, the following awards/recognition programs are currently in place:

[Terracon Excellence Awards](#)

[Performance Recognition Awards](#)

[Service Recognition Awards](#)

[25 Year Awards](#)

[Professional Papers and Articles Awards](#)

[Professional License Award](#)

[Safety Incentive Awards](#)

**Terracon Excellence Awards** (Revised August 7, 2008)

The hard work and dedication of Terracon employees contributes in countless ways to our success. To honor exceptional employee achievement, the Terracon Excellence Awards are given each year to provide recognition to outstanding employees and **all Terracon employees are encouraged to submit nominations.**

**Awards**

- [Founder's Award](#) – Given to an employee who exemplifies the mission, vision and values of Terracon and its founder, Gerald R. Olson\*.
- [Sustained Contributor Award](#) – Given to an exceptional long-term Terracon non-principal employee who demonstrates a consistently high level of performance and integrity, a cooperative spirit and dedication to Terracon.
- [Young Professional Award](#) – Given to recognize professional employees under age 35 whose early career shows great promise in their chosen field.
- [Administrative Outstanding Contributor Award](#) – Given to recognize outstanding performance in an administrative function.
- [Technician Outstanding Contributor Award](#) – Given to recognize outstanding performance as a technician.
- [Client Service Award](#) – Given to recognize exceptional service provided to Terracon's clients, extraordinary business development efforts or leadership in service lines.

Multiple awards may be given in any given year. If no candidate who is presented, in the view of the selection committee, warrants receipt of the award, none will be given in that year.

**Award winners will be recognized with the following:**

- Cash awards will be awarded as follows:

- ☐ \$500 for each Operating Group level award;
- ☐ \$1,000 for each Terracon overall award;
- ☐ \$2,000 for the Founder's Award.

Each recipient will also receive a certificate for his/her office or home. An identical certificate will be placed in the employee's office commemorating the award.

- Names of the recipients of the Terracon overall awards will be inscribed on a permanent plaque that resides at the corporate office.
- Honorees will be featured in a special section of the employee newsletter, plus receive recognition on TerraNet.

**Nominations**

- A nomination may be made by any employee.
- Support of the nomination will be required by the nominee's Office/Regional Manager for submission for the Operating Group Award.
- Supporting comments from up to 3 other employees or clients may be attached to the nomination.
- The Office/Regional Manager should forward the completed nomination form and any supporting comments to [Nancy Richey](#) by September 10.

[2008 Nomination Form](#) (doc) | [2008 Nomination Form](#) (pdf)

**Excellence Award Selection Committee**

- The Excellence Award Selection Committee will be comprised of one person from each Operating Group as selected by the Operating Group Manager.

**Selection of Operating Group Honorees**

- Each Operating Group Manager along with the Excellence Award Selection Committee will select the winner in each Operating Group by October 10.
- If, in the opinion of the selection committee, none of the nominees warrant selection, no selection will be made in that category.

**Selection of Overall Terracon Winners**

- The selection committee will meet via teleconference and recommend an overall winner in each category to the Operations Committee.
- The Operations Committee will select the winner at its November meeting.

**Announcement of Award Winners**

- Operating Group award winners will be announce in mid-October.
- The overall Terracon winners will be announced in mid-November.

**\*NOTE: The Founder's award nominations should be submitted directly to Human Resources and will be considered by the President/CEO and former winners.**

**Performance Recognition Awards**

Awards are given based on the performance of an individual or small group of employees. The individual rewards are between \$50 and \$150, at the discretion of the office manager, and are in the form of American Express Gift Checks. In addition, a Division Manager can award on the spot appreciation in the \$150-\$300 range to recognize great work, new ideas and improvements. All recipients of the office or division bonus will be listed quarterly in *Inside Terracon*.

This program has a budget funded for each calendar year based on the company's revenue for the year and is allocated to offices and divisions based on the number of employees.

- Office Managers may request advances in order to provide "on the spot" employee recognition awards. The maximum advance is \$500 or annual office budget, whichever is less. In order to request advances, the Office Manager should send an e-mail to the controller at the Corporate Office.
- Accounting will issue awards to offices via \$50 American Express Gift Cheques.
- Awards may be granted in the amount of \$50-\$150 at the discretion of the Office Manager.
- Regional/Division level awards may be granted in the amount of \$150-\$300 at the discretion of the Regional/Division Manager.
- Office managers may issue the American Express Gift Cheque(s) as the recognition award or use the American Express Gift Cheque(s) to purchase something that would be useful to that particular employee, such as gift certificates for dining, sporting event tickets, etc.

The "Employee Recognition Program Award" Form should be completed by the Office Manager and forwarded to Corporate Accounting. Accounting will note the cheque numbers that have been used and forward the form to Human Resources to be placed in the employee's file. A copy should also be sent the Regional/Division Manager. The form may be submitted after the award is given, but prior to offices receiving further advances.

#### **Service Recognition Awards** *(Updated December 14, 2007)*

Beginning in 2008, service recognition awards in the form of VISA Gift Cards will be given to those employees on regular status with milestone anniversary dates. These will be sent from Human Resources to the employee's Office Manager so presentation can be made in the month of their anniversary.

The milestones recognized and the corresponding awards, are as follows:

1 year anniversary	\$ 50
5 year anniversary	\$ 125
10 year anniversary	\$ 250
15 year anniversary	\$ 500
20 year anniversary	\$ 750
25 year anniversary	<a href="#">See special information below</a>
30, 35 and 40 year anniversary	\$1,500

These gift cards are considered taxable wages and will be reported on the recipient's W-2. Terracon will "gross up" the face value of the gift card 30% to cover most, if not all, of the federal/state income taxes incurred by the recipient.

#### **25 year awards** *(Revised December 11, 2007)*

The Board of Directors has approved a company paid vacation for employees reaching 25 years of employment with Terracon. All employees on regular status are eligible for this award.

To pay for the vacation Corporate Human Resources will work with payroll to produce a \$4,000 net check to send to the employee's supervisor for presentation on the 25th anniversary date.

The employee is eligible for 40 additional PTO hours in order to take the vacation. The employee will be responsible to notify Corporate Human Resources when the vacation has been taken so an additional 40 hours of PTO can be placed in the employee's PTO accumulation.

The \$4,000 will be added to the employee's W-2 for the year Terracon will also pay \$1,000 toward the employee's federal taxes.

#### **Professional Papers and Articles Awards**

Terracon professional employees are encouraged to make the commitment to become more involved in writing technical papers and articles for organizations or publications that support our profession. This gives us the opportunity to enhance our image, provide growth opportunities and formal recognition for our employees, and attract new talent to the firm.

Any employee involved in a unique project or practice specialty is encouraged to write a paper for publication. Prior to preparing the article, the employee should submit a brief abstract of his or her paper to the Office Manager, Division Manager and the applicable Service Line Directors for approval.

To provide recognition for employee efforts, when a paper is chosen for publication in a national journal or is featured in a targeted national magazine, the employee will be paid a stipend of up to \$1,000. If an employee publishes a shorter article (about one page) in a targeted national publication, they will be paid up to \$500. If the publication is a state or regional journal, Terracon will pay a stipend of up to \$250. The Service Line Directors will make the final decision regarding the stipend amount. Payment will be made after the article is published.

#### **Professional License Award** *(Revised January 1, 2009)*

Terracon encourages professional employees to become licensed where licensing is required to provide our services or where licensing documents the individual's qualifications to practice in the field.

Terracon employees who receive their first professional licensure in the following categories will be eligible for a \$1,500 bonus:

- ☐ Professional Engineer (P.E.);
- ☐ Certified Industrial Hygienist (C.I.H.);
- ☐ Licensed Architect;
- ☐ In the state of California: Geological Engineer (G.E.), Certified Engineering Geologist (C.E.G) and Certified Hydrogeologist (C.H.G.);
- ☐ Attorney (J.D.);
- ☐ Certified Public Accountant (CPA); and
- ☐ Professional Geologists (P.G.) in states that require a bachelor's degree, relevant experience and a written exam sponsored by the National Association of State Boards of Geology (ASBOG®).

A \$750 professional licensure award will be available for:

- ☐ Certified Hazardous Materials manager (C.H.M.M);
- ☐ Nevada Certified Environmental Manager (CEM);
- ☐ Certified Professional Services Marketer (CPSM);
- ☐ Registered Roof Consultant (RRC); and
- ☐ Registered Waterproofing Consultant (RWC).

The Leadership in Energy & Environmental Design (LEED) professional accreditation will also be eligible for a \$500 award.

The Human Resources Policy and Benefit Committee will determine if other licensures qualify to be included on the above lists for which these awards are available.

### Safety Incentive Awards

Terracon's Safety Incentive Awards Program started Jan. 1, 2002. The program is open to all hourly employees on regular status classified by Corporate Human Resources as technicians, field professionals or drillers. Criteria for qualifying for an award is:

- No workers compensation claims.
- No chargeable (at-fault) auto accidents.
- No other preventable accidents that result in property damage or injury to others (e.g., damage or loss of a nuclear density/moisture gauge under technician control.)

Grand prize drawings will be held every six months for 5% of eligible technicians and drillers every six months. Any technician or driller who remains accident and injury free for the next 12 consecutive months will have his/her name included in two semi-annual grand prize award drawings, and will also receive a Carhartt jacket or an alternate gift of equal value

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## 128 Termination of Employment/Layoffs (Revised June 2, 2008)

### Terminations

The company requests at least 2 weeks written notice prior to voluntary termination of employment from employees on regular status. Depending upon your position and responsibilities in the firm, a longer notification period may be appropriate and should be discussed with your supervisor.

The company requests at least 1 week written notice prior to voluntary termination of employment from part-time or temporary employees.

### Layoffs

A layoff is defined as action taken by the company to reduce the work force because of a lack of work.

In the event layoffs occur, the company will attempt to give notice, but may be unable to do so in all circumstances.

Employees who are laid off by the company for an indefinite period of time or on a permanent basis are considered terminated.

### Employee Termination Form

The supervisor must terminate the employee in the Manager Self Service System on the date of termination, or as soon as possible thereafter. If there is company-owned property outstanding, the Human Resources Representative should be notified prior to the termination date to allow enough time for the final paycheck to be prepared in accordance with the

[schedule for each state.](#)

Corporate Human Resources will forward the information to Accounting for review of the files for any outstanding items, such as travel advances and where applicable moving and continuing education expenses.

Final approval for release of the final paycheck will come from the Manager of Human Resources Administration.

If there is still property outstanding at the time the final paycheck is released, the company has the option of attempting to recover the cost of the property in small claims court.

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*Please contact the Corporate Human Resources Department if you have questions about the items on this page.*

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TERRACON  
Policy Statement  
Regarding Code of Business Conduct and Ethics

I. Objectives

Terracon adheres to a high standard of ethical behavior, honesty, and integrity in their business practices. Respect and dignity for employees, clients, suppliers, business partners and the general public are integral to all operations. Ethical business practices and integrity are core values of Terracon and are critical for our continued success.

The Terracon Code of Business Conduct and Ethics (Code) applies to all directors, officers, and employees of the company, including the Chairman of the Board, Chief Executive Officer, Chief Operating Officer, Chief Financial Officer and the Controller, as well as any other person performing similar functions within the company.

The Code of Business Conduct and Ethics reflects the principles by which Terracon operates and is a statement of intention. This is a working document which may change from time to time. The Code cannot possibly describe every practice or principle related to honest and ethical conduct. Accordingly, it is the responsibility of each employee to apply sound judgment, together with his or her own high personal ethical standards, in making decisions where there is no stated guideline in the Code or in Terracon's other policies and procedures. The integrity and reputation of Terracon depend on the honesty, fairness and integrity brought to the job by each person associated with Terracon.

Employees should not hesitate to ask questions, voice concerns or clarify gray areas regarding whether any conduct may violate the Code. The "Report of Violations" section details the resources available to all employees to help them understand and implement the Code. Violations of the Code will not be tolerated. Each employee should be alert to possible violations of the Code by others and report suspected violations, without fear of any form of retaliation. Any employee who violates the Code may be subject to disciplinary action, which, depending on the nature of the violation and the history of the employee, may range from a warning or a reprimand up to and including termination of employment. In some cases, civil legal action or referral for criminal prosecution may be warranted.

## II. Duties

Terracon expects all employees to act in accordance with a high standard of personal and professional conduct in all aspects of their employment and/or association with Terracon, to comply with applicable laws, rules and regulations, and to adhere to the policies and procedures adopted by Terracon, which govern employee conduct. Inappropriate behavior will not be tolerated and will be subject to disciplinary action.

Each employee is subject to the Code and must adhere to the following:

- A. Honest and Ethical Conduct: Employees are expected to engage in honest and ethical conduct at all times and proactively promote such conduct in the workplace.
- B. Conflicts of Interest: Real or perceived conflicts of interest between outside interests of the individual and the interests of Terracon must be avoided. Conflicts of interest exist in any situation where an employee's ability to fulfill his or her responsibility to Terracon may be adversely affected by his or her private interests or personal considerations. Employees are expected to be free from influences that conflict with the best interests of Terracon. Even the appearance of a conflict of interest where none actually exists can be damaging and should be avoided. Whether or not a conflict of interest exists or will exist can be unclear. The following are examples of situations that may, depending on the facts and circumstances, involve conflicts of interests:
  - ☐ Employment by (including consulting for) or service on the board of a competitor, customer or supplier or other service provider. Activity that enhances or supports the position of a competitor to the detriment of Terracon is prohibited. Employment by or service on the board of a customer or supplier or other service provider is generally discouraged and authorization must be sought in advance to take such action.
  - ☐ Owning, directly or indirectly, a significant financial interest in any entity that does business, seeks to do business or competes with Terracon. In addition to the factors described above, persons evaluating ownership for conflicts of interest will consider the size and nature of the investment; the nature of the relationship between the other entity and Terracon; the employee's access to confidential information and the employee's ability to influence Terracon decisions. If you would like to acquire a financial interest of that kind, you must seek approval in advance.
  - ☐ Soliciting any vendor or potential vendor for contributions to any charity or for any political candidate in an amount greater than \$2,000 per contribution.

- ☐ Taking personal advantage of corporate opportunities.
- ☐ Conducting Terracon's business transactions with employee's family member(s) or a business in which employee has a significant financial interest. Material related-party transactions approved by the Chairman and involving any executive officer or director will be disclosed to the Board.
- ☐ Exercising supervisory or other authority on behalf of Terracon over a co-worker who is also a family member. The employee's supervisor and/or the General Counsel will consult with the Human Resources department to assess the advisability of reassignment.
- ☐ Loans to, or guarantees of obligations of, employees or their family members by Terracon could constitute an improper personal benefit to the recipients of these loans or guarantees, depending on the facts and circumstances. Some loans are expressly prohibited by law and others may require approval by the Board of Directors.

If an employee has any questions about a potential conflict of interest or if they become aware of an actual or potential conflict, they should discuss the matter with their supervisor or the General Counsel. Supervisors may not authorize conflict of interest matters without first seeking the approval of the General Counsel and filing a written description of the authorized activity. If the supervisor (or any officer or director) is involved in the potential or actual conflict, they should discuss the matter directly with the General Counsel. Factors that may be considered in evaluating a potential conflict of interest are, among others:

- ☐ Whether it may interfere with the employee's job performance, responsibilities or morale;
- ☐ Whether the employee has access to confidential information;
- ☐ Whether it may interfere with the job performance, responsibilities or morale of others within the organization;
- ☐ Any potential adverse or beneficial impact on Terracon's business;
- ☐ Any potential adverse or beneficial impact on Terracon's relationships with customers, suppliers or other service providers;
- ☐ Whether it would enhance or support a competitor's position;
- ☐ The extent to which it would result in financial or other benefit (direct or indirect) to the employee;
- ☐ The extent to which it would result in financial or other benefit (direct or indirect) to a customer, supplier, or other service provider; and



☐ The extent to which it would appear improper to an outside observer.

- C. Gift Giving/Accepting: Business entertainment and gifts are meant to create goodwill and sound working relationships and not to gain improper advantage with customers or facilitate approvals from government officials. Accordingly, employees of Terracon should neither give nor accept any gifts which are or could reasonably be perceived as inappropriate. Questions regarding what constitutes appropriate gifts should be directed to the employee's supervisor or the General Counsel.
- D. Moonlighting Without Permission: Terracon's workload is unpredictable. Upon occasion, our employees are asked to work unusual and/or long hours, sometimes with short notice, and outside employment must not restrict this flexibility. The following are examples, but not an exhaustive list, of restrictions on outside employment:

☐ Work for others cannot be performed during normal work hours, or be performed for Terracon's clients or fall within a range of services normally provided by Terracon.

☐ Terracon's equipment shall not be used when working for others.

☐ Moonlighting by an employee is permitted for hourly or temporary employees as long as the work does not interfere with the duties at Terracon.

☐ Salaried employees must receive written permission from the Human Resources Committee before performing services for others. Normally, this will be strongly discouraged. Salaried employees must submit a written request to the Human Resources Committee for approval prior to performing this type of work.

☐ Work done for gratis, such as for a friend, neighbor or civic organization, is acceptable so long as it does not in any way reflect actual or perceived liability by Terracon, fall within a range of services normally provided by Terracon, or involve the use of Terracon's equipment.

Any question regarding such activity should be discussed with the supervisor or Office Manager.

- E. Equal opportunity policies: Terracon is an equal opportunity employer and does not tolerate discrimination against applicants or employees based on race, color, religion, national origin, handicap, age, sex, veteran status or any other category protected under federal, state or city law. Discrimination in decisions concerning recruitment, hiring, compensation, benefits, training, termination, promotions, or any other condition of employment or career development is strictly prohibited.

- F. Respecting the rights of others: Terracon is committed to providing a work environment that is free from harassment, intimidation, and/or coercion of any type and will not tolerate the use of discriminatory slurs, unwelcome or unsolicited sexual advances or harassment, or any other remarks, jokes or conduct that creates or fosters an offensive or hostile work environment. Employees of Terracon at all levels must act with respect and civility towards clients, coworkers and outside firms to ensure the basic principles of respect and dignity are exercised in all working relationships.
- G. Honest and fair treatment: Employees of Terracon should strive to outperform our competition fairly and honestly. Advantages over competitors are not to be obtained through unethical or illegal business practices. Employees should treat all clients, suppliers and fellow employees honestly and fairly.
- H. Safe workplace: Terracon is committed to a safe workplace in carrying out its operations. Terracon regularly evaluates and implements safety standards, programs and employee training to ensure a healthy and safe work environment for employees, clients, contractors and members of the general public. Safety is everyone's responsibility. Terracon is committed to safety and expects the same commitment of all employees. With the exception of law enforcement personnel, possession of firearms in Terracon buildings, vehicles, or parking facilities, or the possession of firearms on property owned or controlled by Terracon clients is strictly prohibited.
- I. Substance Abuse: Terracon has a vital interest in maintaining safe, helpful and efficient working conditions for all employees. Being under the influence of alcohol or other drugs on the job may pose serious safety and health risks not only to the user, but also to those who work with the user. Each employee must report to work in a physical condition that will allow him or her to perform their job in a safe and efficient manner. Employees may not be under the influence of or use, sell, purchase, transfer, manufacture, or possess prohibited controlled substances while performing any work for Terracon or while on Terracon-owned or – controlled premises. Terracon has established requirements for substance abuse testing for the following: pre-employment, periodic, post-accident, reasonable suspicion, rehabilitation follow-up, contractual obligation, and federally mandated testing situations. The legal use of prescribed drugs is permitted on the job only if it does not impair the employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Please refer to Terracon's Safety and Health Manual for our detailed Controlled Substances and Alcohol Policy.

- J. Company resources, information and funds: All employees are expected to protect and promote ethical and proper use of Terracon's assets and ensure their efficient use. Theft, carelessness and waste have a direct impact on Terracon's profitability. Terracon's property is expected to be used only for legitimate business purposes
- K. Data and Information Integrity: Terracon's services require the collection, generation and evaluation of data. Our reputation is based on providing accurate and reliable results. Occasionally, data may be suspect, missing or obviously incorrect. Use of suspect or missing data could jeopardize our credibility with a client and, on occasion, lead to uncomfortable situations and possibly confrontations with clients, supervisors, and third parties. Re-collection of data may be required to prove or disprove the original data. As an alternative, report the data, explain why the data are believed to be incorrect and note to what extent, if any, the data were used in the analysis. Alteration or fabrication of data or directing staff to do this is not an alternative. Changing data or fabricating data is not considered judgment but rather fraud (intentional deceit). There can be no circumstances under which falsification or fabrication of data is tolerated.
- L. Timesheet Integrity: Terracon's financial systems and timesheet data entry programs are the cornerstones on which our financial success is built. To that end, it is imperative that all employee timesheets and related expense reports be prepared in an accurate, honest and ethical manner. Failure to accurately report timesheet data and expenses misstates the actual performance of personnel and projects and affects the accuracy of long term analysis upon which Terracon determines future business strategies. In addition, timesheet inaccuracies can create liability for Terracon in project litigation and fee disputes. Public sector clients (and, increasingly, private sector clients) have strict rules on time sheet accuracy and have the right and authority to demand immediate audits of project billing information.
- M. Fiscal Responsibility and Financial Integrity: Terracon's corporate and business records must be completed accurately and honestly. The making of false or misleading entries, whether they relate to financial results or technical results, is strictly prohibited.
- N. Sensitive and confidential information/Employee data: Each employee has the duty to protect sensitive and confidential information, including personal employee data. Confidential information may include business information, financial information, engineering ideas and designs, project – related reports and formats, databases, configuration of our computer systems, customer lists, pricing strategies, marketing plans and materials, personnel data, personally identifiable information pertaining to our employees (e.g., salary or performance-appraisal data), clients or other individuals, and similar types of information provided to Terracon by clients, suppliers, partners and employees. All confidential information of


Terracon belongs to Terracon and must be maintained as confidential. Except as necessary to conduct our business, posting or discussion of any Terracon confidential information concerning our business, employees, information or prospects is prohibited. If an employee leaves Terracon, all records containing any Terracon confidential information in an employee's possession must be immediately returned to Terracon.

- O. Compliance with applicable governmental laws, rules and regulations: Terracon must compete vigorously, but at the same time do so in strict compliance with laws and regulations applicable to Terracon's activities. Each employee must take reasonable measures to ensure Terracon's compliance and no employee should at any time take any action on behalf of Terracon which violates any applicable law or regulation. Violation of governing laws can be a criminal offense and can result in monetary fines and imprisonment.
- P. Reporting any questionable behavior: Terracon expects each employee to promptly report any questionable behavior, as described below under "Report of Violations", without fear of disciplinary action or retaliation.


### III. Report of Violations

An employee, officer or director has an ethical duty, and in some cases, a legal obligation to promptly report any action that he or she reasonably believes to constitute a violation of this Code. Questions may also arise regarding the actions of suppliers, subcontractors or customers. Employees who suspect violations of law or Terracon's policies must report such matters to their supervisor. Employees who believe it is not advisable or practical to report to their supervisor can contact the General Counsel or the Chairman. No disciplinary or other retaliatory action will be taken against any person reporting a violation. Terracon will take disciplinary action against any employee involved in retaliation.

An employee with any questions, concerns or complaints regarding matters covered by this Code of Business Conduct and Ethics can use any of the following contact methods to get help:

 Ethics Helpline – 1.866.277.2591

 E-mail – [ethics@terracon.com](mailto:ethics@terracon.com)

 Fax – 1.913.599.5727

 Regular Mail

Questions, concerns, and/or complaints (collectively called "complaints") should be sent to the attention of General Counsel. Complaints received through these means shall be handled confidentially and forwarded to the General Counsel. Complaints received via the Helpline, fax or regular mail may be reported anonymously. Upon

receipt of a complaint the General Counsel will acknowledge receipt to the sender. No acknowledgement will be made in the event of an anonymous complaint. The General Counsel will verify that the complaint actually pertains to a matter covered by these procedures and will develop a recommended strategy for investigating the complaint.

The General Counsel will promptly report all complaints relating to material matters covered by these procedures and the recommended strategy for investigating the complaint to the Chairman of the Board. The Chairman shall provide direction and oversight to the General Counsel regarding an appropriate investigation. Confidentiality will be maintained to the full extent possible, consistent with the need to conduct an adequate review and investigation. Prompt and appropriate corrective action will be taken as warranted in the judgment of the Chairman and the General Counsel.

The General Counsel shall maintain records of all complaints covered by these procedures, tracking their receipt, investigation and resolution and shall prepare a periodic report to the Board.

If a complaint involves the General Counsel, it should be reported to the Chairman of the Board, who will conduct an independent investigation. If a complaint involves the Chairman, the General Counsel has the authority to conduct an independent investigation and shall report the results of the investigation to the Board of Directors in its entirety.

#### IV. Accountability, Enforcement and Penalties for Non-compliance

All employees are subject to the Code of Business Conduct and Ethics and will be held accountable for their adherence to the Code. Continued employment by Terracon depends on full compliance with the policies and duties stated in this Code. Every employee must acknowledge in writing that they have read and will comply with the Code.

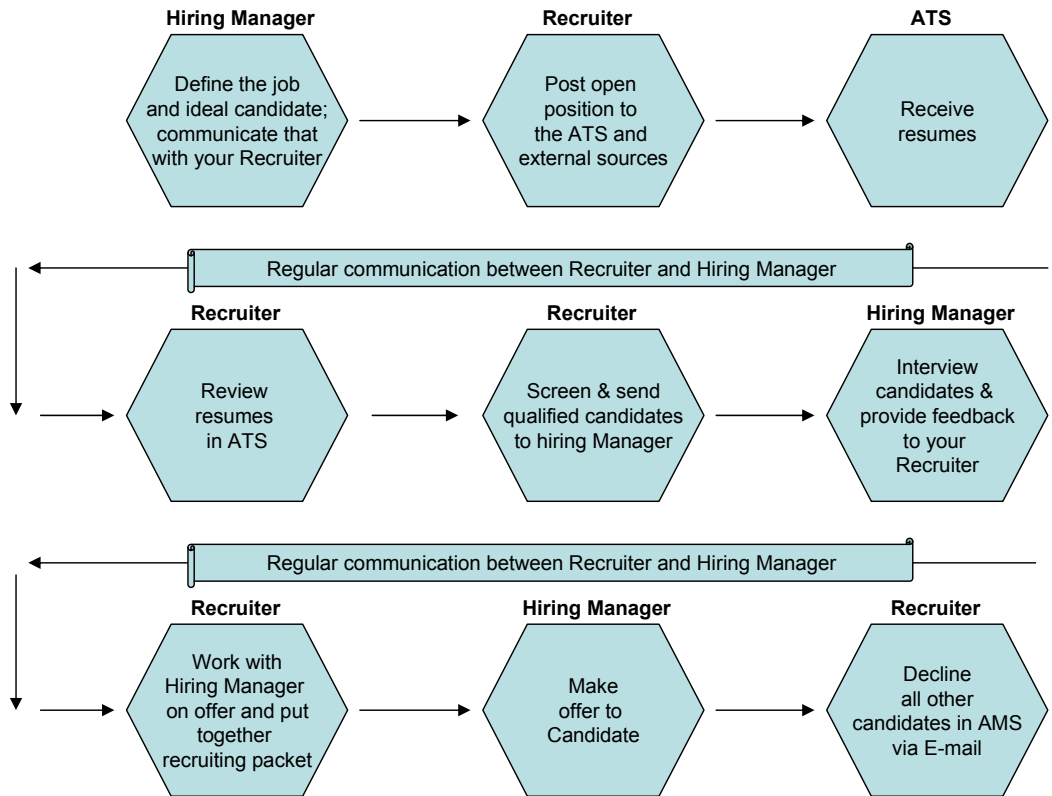
The Code of Business Conduct and Ethics is part of the personnel policies of Terracon. Accordingly, formal warning, suspension and termination shall be used as remedies and penalties for violations of this Code as the nature and circumstances of the violations warrant.

#### V. Amendments

Because this Code cannot possibly anticipate all circumstances, exceptions to any provision of the Code may be carefully considered by the Board. This Code will be reviewed periodically and revised, if necessary, to reflect changes in applicable law or regulation and to cover new ethical issues as they arise. Any modification to any provision of the Code must be approved by the Board of Directors.



## Recruiting Process



Nicole Hautzinger,  
Regional Recruiter  
913-577-0451



## Equal Employment Opportunity Policy Statement

It is the policy of Terracon Consultants, Inc. and TSVC, Inc. (collectively "Terracon") not to discriminate against any applicant for employment, or any employee because of race, color, religion, national origin, sexual orientation, handicap, age, gender, or veteran status. Terracon will take affirmative action to insure that the Policy is implemented, particularly with regard to: employment; upgrading; promotion; demotion; transfer; recruitment; recruitment advertising; layoff; termination; compensation; training; and working conditions.

Terracon will continue to make it understood by the employment entities with whom it deals, and in employment opportunity announcements that the foregoing is company policy; and that all applicants and employees will continue to be compensated, trained, advanced, demoted, terminated, hired, and transferred solely on the basis of the individual's merit.

All present employees are requested to encourage minorities, women, veterans, and qualified handicapped persons to make application for employment with the company or to apply for training in an approved On the Job Training or Apprenticeship Program. It is also the policy of Terracon to satisfy special accommodations for qualified handicapped individuals.

It is the policy of Terracon to ensure and maintain a working environment free of harassment, intimidation, and coercion at all job-sites, and in all facilities at which employees are assigned to work. The Policy will be rigidly adhered to at all times. Any violation of the Policy should be reported immediately to your supervisor or to the company's EEO Officer.

It is the policy of Terracon that all job-sites and facilities, including company activities are non-segregated, except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the genders.

The company's EEO Officer's name and address is:

**EEO Officer's Name: Nancy E. Richey**  
**Address: 18001 W. 106<sup>th</sup> Street, Suite 300**  
**Telephone Number: (913) 599 – 6886 Ext. 375**

A blue ink signature of David R. Gaboury, written in a cursive style.

David R. Gaboury, President and Chief Executive Officer

Date: February 6, 2009

## Terracon Operations' Hourly Job Titles

January, 2008

Administrative	CAD Operator	Driller	Technician		Specialist
<b>Sr. Admin Staff</b>	<b>Sr. CAD Operator</b>	<b>Master Driller</b>	<b>Technician V</b>	<b>Technician II</b>	<b>Specialist</b>
HR Job Code: 910	HR Job Code: 850	HR Job Code: 755	<b>HR Job Code:</b> CMT: 891 Environmental: 800 General: 704 Geotechnical: 700 Lab: 802	<b>HR Job Code:</b> CMT: 880 Environmental: 830 General: 734 Geotechnical: 730 Lab: 832	<b>HR Job Code:</b> CMT: 895 Environmental: 815 General: 705 Geotechnical: 745 Lab: 817
<b>Administrative Staff III</b>	<b>CAD Operator II</b>	<b>Driller IV</b>			
HR Job Code: 920	HR Job Code: 860	HR Job Code: 760			
<b>Administrative Staff II</b>	<b>CAD Operator I</b>	<b>Driller III</b>	<b>Technician IV</b>	<b>Technician I</b>	
HR Job Code: 930	HR Job Code: 870	HR Job Code: 770	<b>HR Job Code:</b> CMT: 890 Environmental: 810 General: 714 Geotechnical: 710 Lab: 812	<b>HR Job Code:</b> CMT: 875 Environmental: 840 General: 744 Geotechnical: 740 Lab: 842	
<b>Administrative Staff I</b>		<b>Driller II</b>			
HR Job Code: 940		HR Job Code: 780			
		<b>Driller I</b>			
		HR Job Code: 790			
			<b>Technician III</b>		
			<b>HR Job Code:</b> CMT: 885 Environmental: 820 General: 724 Geotechnical: 720 Lab: 822		

IMPORTANT: The job description should be reviewed for specific requirements such as education, skills and experience. Job descriptions are available on TerraNet under the Human Resources tab/HR Tools.



## Terracon Operations' Salaried Career Track

December 28, 2008

Technical Professional		Project Management		Operations Management					
		Professional	Technical	Professional	Technical	Regional/Office Manager	Senior Manager	Client Development	Administrative
<b>Senior Consultant: 2330</b>	<b>Senior Staff</b>	Sr. Project Mgr.-Prof: 2350	Sr. Project Mgr.-Tech: 2355	Department Mgr. III-Prof: 0087	Department Mgr. III-Tech: 0085	Regional Manager: 0040	Operating Group Manager II: 0013	Client Dev. Manager: 0950	Admin. Mgr. II: 2555
<b>Senior Project</b>	Sr. Staff Environmental Engineer: 2010 Sr. Staff Geotechnical Engineer: 2040 Sr. Staff Materials Engineer: 2070 Sr. Staff Engineer: 2100 Sr. Staff Geologist: 2130 Sr. Staff Hydrogeologist: 2160 Sr. Staff Industrial Hygienist: 2190 Sr. Staff Environmental Scientist: 2220 Sr. Staff Scientist: 2250 Sr. Staff Architect: 2280 Sr. Staff Professional: 2310	Project Mgr. II-Prof: 0127	Project Mgr. II-Tech: 0125	Department Mgr. II-Prof: 0097	Department Mgr. II-Tech: 0095	Office Manager IV: 2515	Operating Group Manager I: 0016	Client Dev. Specialist II: 0960	Admin. Mgr. I: 2550
Sr. Proj. Environmental Engineer: 2025 Sr. Proj. Geotechnical Engineer: 2055 Sr. Proj. Materials Engineer: 2085 Sr. Proj. Engineer: 2115 Sr. Proj. Geologist: 2145 Sr. Proj. Hydrogeologist: 2175 Sr. Proj. Industrial Hygienist: 2205 Sr. Proj. Environmental Scientist: 2235 Sr. Proj. Scientist: 2265 Sr. Proj. Architect: 2295 Sr. Proj. Professional: 2325		Project Mgr. I-Prof: 0137	Project Mgr. I-Tech: 0135	Department Mgr. I-Prof: 0107	Department Mgr. I-Tech: 0105	Office Manager III: 2510	Division Manager II: 0035	Client Dev. Specialist I: 0970	
		Field Project Mgr.-Prof: 2340	Field Project Mgr.-Tech: 2345			Office Manager II: 2505	Division Manager I: 0030	Marketing Coordinator: 0980	
						Office Manager I: 2500			
<b>Project II</b>	<b>Staff</b>								
Proj. Environmental Engineer II: 2020 Proj. Geotechnical Engineer II: 2050 Proj. Materials Engineer II: 2080 Proj. Engineer II: 2110 Proj. Geologist II: 2140 Proj. Hydrogeologist II: 2170 Proj. Industrial Hygienist II: 2200 Proj. Environmental Scientist II: 2230 Proj. Scientist II: 2260 Proj. Architect II: 2290 Proj. Professional II: 2320	Staff Environmental Engineer: 2005 Staff Geotechnical Engineer: 2035 Staff Materials Engineer: 2065 Staff Engineer: 2095 Staff Geologist: 2125 Staff Hydrogeologist: 2155 Staff Industrial Hygienist: 2185 Staff Environmental Scientist: 2215 Staff Scientist: 2245 Staff Architect: 2275 Staff Professional: 2305								
<b>Project I</b>	<b>Field</b>								
Proj. Environmental Engineer I: 2015 Proj. Geotechnical Engineer I: 2045 Proj. Materials Engineer I: 2075 Proj. Engineer I: 2105 Proj. Geologist I: 2135 Proj. Hydrogeologist I: 2165 Proj. Industrial Hygienist I: 2195 Proj. Environmental Scientist I: 2225 Proj. Scientist I: 2255 Proj. Architect I: 2285 Proj. Professional I: 2315	Field Environmental Engineer: 2000 Field Geotechnical Engineer: 2030 Field Materials Engineer: 2060 Field Engineer: 2090 Field Geologist: 2120 Field Hydrogeologist: 2150 Field Industrial Hygienist: 2180 Field Environmental Scientist: 2210 Field Scientist: 2240 Field Architect: 2270 Field Professional: 2300								

\*Each box above represents a job classification. These jobs are at a similar level within their discipline.

IMPORTANT: The job description should be reviewed for specific requirements such as education, skills and experience. Job descriptions are available on TerraNet under the Human Resources tab/HR Tools.



## CONTROLLED SUBSTANCES AND ALCOHOL

### I. GENERAL

The following policies have been established to promote a safe, healthy and efficient working environment free of illegal and non-prescribed drug use, on the job alcohol use, and the unauthorized use of prescription drugs. The sale, purchase, use, possession and/or reporting to work under the influence of non-prescribed narcotics, hallucinogenic drugs, alcoholic beverages, inhalants, marijuana or other non-prescribed controlled substances or illegal drugs (collectively referred to as "controlled substances") while on the property of Terracon or while performing business on behalf of Terracon is prohibited. In addition, the sale, purchase use and possession of equipment, products and materials which are used, intended for use of, or designed for use with controlled substances while on the property of Terracon or while performing any business on behalf of Terracon is prohibited.

Reporting to and being at work with a measurable quantity of over the counter drugs, where, in the opinion of Terracon, such use prevents the employee from performing the duties of his or her job, or where such use poses a risk to the safety of the employee, other persons or property is prohibited. If an employee is taking over the counter or prescription drugs which may interfere with the employee's judgement, reflexes or the ability to perform their job, the employee is required to immediately notify their Supervisor or Office Manager. In such cases, the employee must either be assigned to a limited duty status, utilize paid time off (or workers compensation benefits if applicable) or take an unpaid leave of absence.

The violation of this policy will not be tolerated and will be grounds for disciplinary action. Notwithstanding the penalty provisions contained herein, Terracon may, at its discretion, terminate any employee who tests positive for alcohol or controlled substances.

### II. CONTROLLED SUBSTANCES AND ALCOHOL TESTING POLICY

- A. Controlled substances testing will be mandatory for all job applicants offered employment, regardless of position. In no instance will Terracon require a job applicant to submit to controlled substances testing prior to an offer of employment. Controlled substance testing will be conducted in accordance with applicable state and federal laws including, but not limited to, US Department of Health and Human Services protocols. Applicants who refuse to submit to post-job offer controlled substance testing will be ineligible for employment. Controlled substances testing will also be required for all temporary agency workers. A negative controlled substances test will be obtained and reviewed by the Corporate Safety and Health Manager or Manager of Human Resources prior to a temporary agency worker's initial job assignment. All post-offer or pre-placement controlled substances test results must be less than 30 days old on date of hire or initial job placement. Agency workers who provide controlled substance test results upon initial job placement need not be re-tested if they are subsequently hired by Terracon, provided their service to Terracon has been continuous.



## CONTROLLED SUBSTANCES AND ALCOHOL

B. As a condition of continued employment, employees of Terracon may be required to submit to evidential breath alcohol and/or controlled substances testing for any of the following reasons:

1. **Post-Accident** – DOT regulations mandate post-accident testing following commercial motor vehicle (>26,000 lb. GVWR) accidents where the operator is issued a citation, and when death, towing of vehicles from the scene, or injuries requiring medical treatment away from the accident scene occur. Controlled substances and/or alcohol testing may also be required following a vehicle or workplace accident when, in the opinion of Terracon management, there is a reasonable suspicion that the accident may have resulted from on the job use of alcohol or drugs. In all such instances, Terracon management personnel will document their suspicions of controlled substances or alcohol use on the part of the employee, and will contact the Corporate Safety and Health Manager or Manager of Human Resources to arrange for testing. Suspected employees will be tested as soon as possible following notification of the accident. A Terracon management representative will drive the employees to the clinic for testing. In no instance will an employee suspected of controlled substances or alcohol impairment be permitted to drive to a clinic to receive controlled substances/alcohol testing.
2. **Reasonable Suspicion** -- Terracon employees will be required to submit to controlled substances and/or alcohol testing when, in the opinion of Terracon management, there is reasonable suspicion to believe the employee may be under the influence of alcohol or controlled substances. Reasonable suspicion includes but is not limited to: situations where an employee is observed using alcohol or controlled substances on the job, while driving a Terracon vehicle or when the employee exhibits severe or prolonged changes in productivity. Terracon management will document their suspicions of drug or alcohol use on the part of the employee in all such instances and will contact the Corporate Safety and Health Manager or Manager of Human Resources to arrange for testing. A Terracon management representative will drive the employees to the clinic for testing. In no instance will an employee suspected of drug or alcohol impairment be permitted to drive to a clinic to receive controlled substances or alcohol testing.
3. **Regulatory Requirements** -- Terracon employees will be required to submit to applicable controlled substances and/or alcohol testing requirements of federal or state regulations including, but not limited to, DOT motor carrier safety regulations affecting commercial vehicle operators and RSPA 199 regulations affecting personnel performing safety sensitive functions on pipeline projects.
4. **Client/Facility Owners Request** -- Many industrial and municipal clients require that sub-contractors provide evidence of negative controlled substances and/or alcohol test results prior to entering a facility or project site. Terracon employees whose services are required on such project sites will be required to submit to controlled substances/alcohol testing imposed by facility owners, clients or potential clients of



## **CONTROLLED SUBSTANCES AND ALCOHOL**

Terracon. Upon request, a copy of the client's policy or correspondence requiring controlled substance/alcohol testing will be provided to Terracon employees subject to such testing. Terracon will obtain copies of any controlled substances and/or alcohol test results. Any violation of a client/facility owner's controlled substance/alcohol policy will be deemed a violation of Terracon's controlled substances and alcohol policy.

- C. Terracon employees who refuse to submit to controlled substances or alcohol testing for any reason outlined above will be regarded as having tested positive and will be subject to the disciplinary actions outlined herein.

### **III. CONTROLLED SUBSTANCES AND ALCOHOL TESTING PROCEDURES**

#### **A. DOT Requirements for Commercial Motor Vehicle Operators**

1. In accordance with federal DOT requirements, Terracon personnel who will be expected to operate commercial motor vehicles (> 26,000 lbs GVWR) will be required to submit to controlled substances testing immediately following the offer of employment. Terracon personnel assigned to positions which require the ability to operate commercial motor vehicles will be subject to random alcohol and controlled substances testing for the duration of their employment in such positions.
  - At least 50% of Terracon commercial motor vehicle operators will be tested for controlled substances by urinalysis and 10% of commercial motor vehicle operators will receive evidential breath alcohol tests each calendar year.
  - Random testing will be reasonably spread throughout each calendar year using computerized random selection techniques.
2. Once commercial motor vehicle operators are selected for random testing, the Corporate Safety and Health Manager will contact the affected employee's supervisor to determine work schedule and establish a collection date.
  - Employees will not be notified of random controlled substances tests more than 24 hours in advance of testing or more than 2 hours in advance of random evidential breath alcohol testing.
  - If individuals are provided notice exceeding the time intervals specified above, the test(s) will be considered invalid and the individual's name will be returned to the random controlled substance/alcohol testing selection pool.
3. Urine sample collection/analysis and evidential breath alcohol testing will be conducted in accordance with the protocols specified in DOT regulations (49 CFR Part 40 Part 382). Sample collection, analysis, review of results and employee/employer notification will be conducted under the direction of a Medical Review Officer (MRO)



## **CONTROLLED SUBSTANCES AND ALCOHOL**

selected by the Corporate Safety and Health Manager and approved by the Terracon Operations Committee. The MRO will review the results of all tests mandated under DOT motor carrier safety regulations, and will notify the Corporate Safety and Health Manager of all negative test results.

4. Results of all alcohol and controlled substances tests for commercial motor vehicle operators will be maintained in the employee's confidential medical/driver qualification file. Copies of negative test results will be forwarded to the affected employee upon request.

### **B. All Employees**

1. All applicants offered employment and all Terracon employees are subject to controlled substances and alcohol testing for the reasons outlined in Section II above. When such testing is required, the employee will be notified of the reason for such testing and the substance(s) for which the breath, urine or blood specimen will be analyzed. All controlled substance and alcohol testing will be performed in accordance with applicable state and federal laws including, but not limited to, those of the US Department of Health and Human Services.
  - Results of all controlled substance and alcohol tests scheduled by Terracon will be reviewed by a MRO selected by the Corporate Safety and Health Manager and/or the client.
  - The MRO will inform the Corporate Safety and Health Manager or the Manager of Human Resources of all negative test results.
2. Results of all alcohol and controlled substances tests on non-commercial motor vehicle operators will be maintained by the Corporate Safety and Health Manager and/or the Manager of Human Resources in a confidential medical file.
3. Employees may obtain written results of their controlled substance/alcohol tests by contacting the Corporate Safety and Health Manager or the Manager of Human Resources.

### **C. Confirmed Positive Controlled Substances Test Result**

1. In the event of a confirmed positive controlled substances test, the MRO will notify (or attempt to notify) the applicant or employee before contacting the Corporate Safety and Health Manager or the Manager of Human Resources.
2. After notifying the employee, or after failure to contact the applicant or employee despite repeated attempts, the MRO will inform the Corporate Safety and Health Manager or the Manager of Human Resources of the confirmed positive test result.



## **CONTROLLED SUBSTANCES AND ALCOHOL**

- The Corporate Safety and Health Manager or Manager of Human Resources will then verbally notify the affected Office Manager of the confirmed positive test result.
  - All employees who test positive will receive written notification of the confirmed positive result within three (3) working days.
3. Any applicant or employee who questions a confirmed positive controlled substances test result may, at their own expense, request a reconfirmation of the initially donated urine or blood sample within 72 hours following notification of the confirmed positive test result. Re-confirmations must be conducted at a testing laboratory accredited by the Substance Abuse and Mental Health Services Administration (SAMHSA). If results of the reconfirmation are negative, the employee will be reinstated and reimbursed the cost of the test and any lost pay or benefits resulting from suspension, and the initial test result will not be considered with regard to the administrative actions outlined herein.
  4. Any employee who receives a confirmed positive controlled substance test result, or who refuses to submit to a controlled substances test, will be prohibited from driving a commercial motor vehicle until a negative controlled substances test result is obtained and will be suspended without pay until the employee agrees to an evaluation performed by a Terracon-approved Substance Abuse Professional. Refusal to submit to an evaluation by a Substance Abuse Professional will be grounds for immediate termination.
    - Substance Abuse Professionals will be selected by the affected individual following consultation with representatives of Terracon's Employee Assistance Program.
    - Employees must agree to release the results of Substance Abuse Professional evaluations to Terracon's designated MRO, and to submit to recommended treatment or rehabilitation programs as a condition of continued employment.
    - Costs of evaluation and treatment not covered under Terracon health insurance programs will be the sole responsibility of the employee.
  5. All employees who have tested positive for controlled substances will be subject to unannounced controlled substances testing at Terracon's discretion for a period not to exceed sixty (60) months.
  6. Employees who receive a second confirmed positive controlled substances test result, or who refuse to submit to controlled substances testing a second time during the course of employment, will be terminated.



## **CONTROLLED SUBSTANCES AND ALCOHOL**

### **IV. POSITIVE EVIDENTIAL BREATH/BLOOD ALCOHOL TEST RESULTS**

- A. Any Terracon employee whose evidential breath or blood alcohol concentration tests 0.02 or greater will be subject to disciplinary measures as may be specified under Terracon administrative policies.
- B. In accordance with DOT regulations, any commercial motor vehicle operator whose breath or blood alcohol concentration is 0.02 but less than 0.04 will be prohibited from operating a commercial motor vehicle or performing any other safety sensitive function as defined in 49 CFR, Part 382 for a period of not less than 24 hours.
- C. No commercial motor vehicle operator may operate a commercial motor vehicle or perform a safety sensitive function until a return-to-duty breath or blood alcohol test has been conducted and an alcohol concentration of less than 0.02 is obtained.
- D. Any Terracon employee whose breath or blood alcohol concentration is 0.04 or greater may be subject to immediate termination. Commercial motor vehicle operators whose breath alcohol concentration is 0.04 or greater may not return to work until evaluated by a Substance Abuse Professional. Operation of commercial motor vehicles or other safety-sensitive functions will not be resumed until a follow-up breath alcohol test result reveals a concentration of less than 0.02 and the Substance Abuse Professional has released the employee to return to work.
- E. Any employee whose evidential breath or blood alcohol concentration exceeds 0.04 that is retained by Terracon must agree to an evaluation by a Substance Abuse Professional and must agree to release the results of the evaluation to Terracon's MRO as a condition of continued employment. Substance Abuse Professionals will be selected by the affected individual following consultation with representatives of Terracon's Employee Assistance Program.
- F. The cost of consultation with a Substance Abuse Professional, and the cost of recommended treatment, that is not covered under Terracon's Health Care Plan will be the sole responsibility of the employee.

### **V. MANDATORY SUBSTANCE ABUSE TREATMENT POLICY**

- A. Terracon reserves the right to require employees, upon recommendation of a Substance Abuse Professional, to receive treatment for alcohol and/or controlled substance abuse as a condition of continued employment. Employees will be required to sign a release allowing Terracon to be informed of the employee's participation in such treatment programs.
- B. Upon successful completion of the treatment program, Terracon reserves the right to perform unannounced controlled substance or alcohol testing for a period of up to 60 (sixty) months.



## **CONTROLLED SUBSTANCES AND ALCOHOL**

- C. Any positive test results during this period of time will result in immediate termination.

### **VI. EMPLOYEE ASSISTANCE PROGRAM**

- A. Any employee who has a problem with the use of alcohol or controlled substances may confidentially call the Employee Assistance Program (EAP). The EAP will either work directly with the employee or refer him/her to a local Substance Abuse Professional for further counseling. The cost of consultation, counseling or follow-up substance abuse treatment not covered under Terracon's Health Care Plan will be the sole responsibility of the employee.
- B. All Terracon employees and Supervisors will receive training on the effects of alcohol and controlled substances in the workplace through the use of a videotape training program and supplemental printed materials, which contain information on behavioral manifestations which may indicate controlled substance use. Documentation of controlled substances training will be prepared by the employee's Office Manager or designee, and forwarded to the Manager of Human Resources for inclusion in the appropriate employee file.



# TerraNet Portal



TerraNe

## E-Manual Employment Records

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*The Terracon Human Resources e-Manual (e-Manual) is designed to provide helpful information to employees. The statements contained in this handbook are intended to offer guidance but do not modify the terms of employment. It is not to be construed as an employment contract of any kind. "Terracon" collectively refers to Terracon Consultants, Inc. and its related/affiliated companies (H.C. Nutting Company, TSVC, Inc.).*

*It is our intent that this e-Manual provide information concerning most employment questions. However, it is understood that unforeseen situations may arise that are not addressed in this e-Manual. Should that occur, the Human Resources Committee will interpret the policies, and may make exceptions to policies based on particular circumstances.*

*Terracon, at its discretion, may change, delete, suspend, or discontinue any or all parts of the policies in this e-Manual without prior notice. The e-Manual does not modify state or federal laws nor does it serve as legal advice. As changes occur, we will promptly incorporate them into this site. To the extent that applicable federal, state or local laws require greater or additional benefits/protections to employees than the provisions contained in this e-Manual, Terracon will comply with such laws.*

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  - 202 [Personal Information Changes](#)
  - 203 [Employee Feedback Report](#)
  - 204 [Outside Requests for Employee References](#)
  - 205 [Performance Assessments](#)
- 

### 201 Access to Personnel Files

Terracon will use employee information in an appropriate manner and observe and respect the individual employee's right to privacy.

Terracon will comply with all federal, state and local privacy laws and regulations. This includes appropriation, intrusion, public disclosure of private facts and "false light" presentations.

Terracon will avoid appropriation, which arises when employers present in some fashion a former employee as still in their employ when the employee is not. This is typically done in an effort to retain clients or customers.

Terracon will avoid intrusion, which is when the company intentionally intrudes physically or otherwise upon the solitude or seclusion of employees and their private affairs.

All information that is obtained from the application, interview, or employment process will be handled in a confidential manner.

Unauthorized release of confidential information may subject the person who released the information to disciplinary action, including discharge.

Terracon will not make any public disclosure of private facts regarding current or former employees, and will safeguard company records and information about employees.

The information contained in employee records is confidential and may be viewed only by:

- An employee in Terracon's offices in the presence of an individual who is appointed by Terracon to maintain the files,
- A supervisor or manager with whom the employee has a direct reporting relationship, or
- An authorized member of the Human Resources Department.

Only authorized personnel have access to employee records.

The personnel file is the property of Terracon.

The Human Resources Department maintains the following files for each employee:

- All employment related activities, including driver's qualification files
- Medical and/or workers' compensation claims
- Benefits files
- A computerized data base record containing various historical information (including EEO records)

Other files maintained on the employee by the Health and Safety Manager are:

- Medical monitoring files
- Drug testing files

#### Procedures

Every written, phone or in-person request from an outsider for information concerning present or terminated employees will be directed to Corporate Human Resources.

As a general rule, Terracon will not characterize any former employee in an objectionable way or in any way that is not factual.

The only information allowed to be provided by the Office Manager would be dates of employment, job title and whether the employee is presently with the company.

All requests for additional information in connection with an employment reference must be approved by the Corporate Manager of Human Resources, the President or must be in writing with a signed release from the employee involved.

All employee requests for a service letter will be handled in accordance with applicable state laws.

All service letter requests must be referred immediately to the Corporate Human Resources Department or the Corporate Contract Administrator.

All written documentation concerning an employee's employment record with Terracon should be forwarded to Corporate Human Resources and maintained in the appropriate employee's personnel file.

#### Release of Salary Information

Employee salaries are *confidential*. We realize that at times it may be necessary to provide salaries in order to meet project requirements. All such requests must be made to the Corporate Human Resources Department.

#### Procedure

The preferred method for handling payroll information is for Human Resources to send all salary information directly to the client.

When this is not practical, the following guidelines for releasing salary information will be observed:

Pay Information Requested On	Approvals Required
Employees at an individual office	The Office Manager of that office
Employees in another office in the same region/division	The Regional/Division Manager of that region/division
Employees in an office in another region/division	The Regional/Division Manager of both regions/divisions

Those receiving salary information are responsible for maintaining confidentiality. Copies of correspondence that contains salary information *should not* be kept in project files.

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## 202 Personal Information Changes

It is the employee's responsibility to promptly notify Terracon of any changes in personal information.

Required personal information includes, but is not limited to:

- Home address,
- Mailing address, if different from home address,
- Marital status
- Home telephone number,
- Names of dependents,
- Individuals to be contacted in the event of an emergency, and
- Educational accomplishments.

These changes will be recorded on the "Employee Information Change Form" and sent to Corporate Human Resources for processing.

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### **203 Employee Feedback Report** (Revised February 11, 2000)

Terracon encourages and expects supervisors to regularly provide employees feedback on their performance. This feedback can occur through oral conversations with the employee on an informal basis. Only in certain circumstances will the supervisor be expected to document employee issues of performance.

To assist supervisors in documenting performance on their respective employees in special circumstances, Terracon has developed a single page "Employee Feedback Report."

- This report should be used by the immediate supervisor to document any incident, circumstance and/or event of employee behavior that demonstrates either a very positive or a very negative impact on the Company, its clients or other employees.
- The original report should be written by the supervisor as soon after the incident occurs as is practicable.
- The report should be given to the employee for review and signature, and the original forwarded directly to Corporate Human Resources for placement in the employee's personnel file.

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### **204 Outside Requests for Employee References** (Revised January 19, 2009)

Periodically, Terracon will be asked to provide information on current or former employees. It is a firm policy of Terracon that no references will be given (either orally or in writing) by anyone other than the appropriate Corporate Human Resources representative, unless it is the reference letter expressly approved by Corporate Human Resources or Legal.

Only the Corporate Human Resources Department is authorized to respond to verbal reference check inquiries. Responses to such inquiries will confirm only dates of employment, and position(s) held.

All requests for additional employment information about current or former employees, including pay rates, must be in writing, directed to Corporate Human Resources.

Responses to the written requests will be released only with a written authorization and release signed by the employee or former employee who is the subject of the inquiry.

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### **205 Performance Assessment** (Revised December 20, 2006)

The Terracon employee development process is implemented through our Performance Management and Career Development program. The program focuses on setting expectations, connecting employees to the company, providing developmental opportunities, and coaching and feedback. Key features of the program include:

- Forward Looking Perspective
- Goals and Objectives for the Upcoming Period
- Developmental Plans and Assignments
- Employee Driven

This program provides employees and their managers an annual opportunity to:

- Discuss the employee's career goals
- Assess the employee's skills and performance
- Establish performance goals, and
- Agree on an individual development plan

#### **Career Tracks**

The Terracon employee development program is designed around the Competencies that support our Values. These Competencies are tied to four career tracks and learning paths:

- Technical and Project Management
- Sales and Marketing
- Business Management, and
- Corporate Services

As each employee pursues development, they build the competence to perform higher level jobs. Acquiring skills through training is not enough to develop competence. Development requires the application and practice of learned skills in on-the-job and external situations.

Development along a learning path and career track will position an employee for career advancement opportunities that arise. However, having the competence required for a job is not the sole basis for promotion to the next career track level. First, there must be a business need to justify the position. Second, an employee must compete with other qualified candidates to earn the position. Employees who are willing to relocate will find that they have many more opportunities to advance than those who are not mobile.

#### **Development Planning**

Individual goal development can be viewed as an extension of the business planning process. Companies use a planning process to direct their development and investments. Similarly, an employee's goal development sets a vision and direction for their career and then aligns their short term performance goals and developmental investments with the long term vision.

Goals are based on the employee's aspirations and interests, but must also align with and support the company strategy and business plans. The planning process starts with a discussion of the employee's career goals. Together the manager and employee assess current skills and performance and identify developmental assignments that will help the employee improve performance and move toward his/her goals.

#### **Timeline & Reference Materials**

The current year's timeline and reference materials for the Performance Management and Career Development program are available on TerraNet at: [http://terranet.terracon.com/DepartmentTools/HR/dt\\_hr\\_PM&CD.asp](http://terranet.terracon.com/DepartmentTools/HR/dt_hr_PM&CD.asp)

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## E-Manual Payroll

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### 301 Direct Deposit of Pay

The "Direct Deposit Authorization" Form is required for any employee who wishes to participate in Terracon's automatic payroll deposit program. This allows employees to have paychecks automatically deposited into the financial institution of their choice.

#### Participation

Participation in the Direct Deposit program is voluntary.

Supervisors should encourage all employees to participate in this program, as it is a cost saving benefit to the employee as well as the company in both time and money.

Employees who do not use direct deposit will have their paychecks mailed to their homes and, depending on their location, checks may not arrive until the following week.

If an employee is receiving a paycheck (versus direct deposit) and the check is lost or delayed in the mail, the check will be replaced the following Thursday--after the Friday of pay date. This will allow for any delays in the mail service.

The "Direct Deposit Authorization" Form allows employees to have all or any portion of their paycheck directly deposited into the financial institution of their choice.

An employee has a choice of up to 5 accounts.

An employee who utilizes multiple accounts must specify a dollar amount for one or more of the accounts, with the balance automatically going into one of the remaining accounts.

#### New Hires

The "Direct Deposit Authorization" Form is included in the forms provided for all new employees to complete.

All new direct deposits are "pre-noted". This is the process to verify that all routing and account numbers are correct. The employee will receive a "real" paycheck during this process.

#### Changes/Additions or New Enrollment of Current Employees

A new "Direct Deposit Authorization" Form must be completed for any changes in amounts to existing direct deposits, or any additions/changes in direct deposit accounts.

Any changes will go through the same "pre-note" procedure as a new enrollment.

Any employee who previously declined initial enrollment can enroll at any time by completing a "Direct Deposit Authorization" Form and sending it to Corporate Human Resources.

#### Deposit Dates

An employee who uses direct deposit will receive a statement of his/her paycheck and payroll deductions at his/her home address each pay period, which are mailed from Accounting in Lenexa, Kansas every other Wednesday.

There is always a 1 payroll delay for the first direct deposit to be effective.

Direct deposits are normally in the employee's account(s) by Friday of each pay period.

#### Distribution

The completed "Direct Deposit Authorization" Form, along with a voided check or copy of a check should be sent to Corporate Human Resources.

Any further distribution of the completed form is the responsibility of Human Resources.

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### 302 Paydays

Employees are paid bi-weekly, every other Friday.

Each pay period will include earnings for all work performed for the 2 week period through the previous Saturday.

In the event that a regularly scheduled payday falls on a recognized holiday, payday will be on the last day of work before the regularly scheduled payday.

Paychecks and direct deposit advices are sent to the employee's home address unless otherwise requested.

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### 303 Completion of Time & Expense Report

Time and Expense Reports are important because they enable Terracon to:

- Accurately pay employees on time,
- Produce accurate, timely billings,
- Build historical records of the time required to complete projects; and
- Analyze how the company is spending its most valuable resource—time.

For these reasons, it is mandatory that each employee complete a timesheet and submit it to his/her supervisor each Monday morning. Details on how to complete the Time and Expense Report can be found in the Accounting Manual, which is available in each office.

For assistance completing Time & Expense Reports, use these resources:

- [Time & Expense Completion Instructions](#)
- [Time & Expense Form](#)

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### 304 Electronic Pay Stubs *(added February 25, 2008)*

Terracon utilizes electronic pay stubs to notify its' employees of payroll information on a bi-weekly basis. Employees will have access to the following information:

- ☐ Access to their individual payroll information.
  - ☐ Pay stubs will be available Thursday morning of the payroll week.
  - ☐ Access to pay stubs for the current year and prior two years.
- ☐ Ability to change Federal tax withholding online.
- ☐ Ability to calculate pay check based upon "what-if" scenarios. For example, you can change tax withholdings or 401K deduction and recalculate your paycheck.

**Instructions to access electronic pay stubs**

To access the system, please use this URL: <https://sss2.ceridian.com/terracon> or access the "Payroll Self Service" link in the lower left corner under the "Other Links" section of the TerraNet Portal.

**Username:** first initial of first name + all of last name + last 4 digits of SSN (i.e. John Smith = jsmith6789)

**Default Password:** the last four digits of employee's Social Security Number

Employee will immediately be prompted to change their password to a *minimum 6 position alpha-numeric* password of their choice.

**IMPORTANT:** The employee should use the email link located at both the top of the Welcome Page or under the Personal Information section to enter their e-mail address.

Password Reminders: Two Ways to get a Password Reminder

1. On the log-on page, the employee should key their username into the username field and press "Need a Password Reminder?". This will display the password reminder that was entered when the employee changed their password.
2. On the log-on page, the employee should key their username into the username field and press "Forget your Password?". A system generated password will be emailed to the employee. **NOTE:** this will only work if the employee added their email address during their first session as directed above.

Please note, if an employee tries to log on to the system with an erroneous username and/or password, they will be locked out of the system after 5 tries. The system will notify Payroll Department to reset the account.

**Personal Information Changes****Password Change**

Allows an employee to change their system password.

**E-mail Address**

Allows an employee to add or change your e-mail address. NOTE: this can also be done by using the "change your email" link at the top of the page.

**Payroll & Tax Information****Earnings Statement**

Allows an employee to see a list of their current pay stubs. The employee can then click on a check number to display more information.

**Check Calculations**

Allows an employee to experiment with changing earnings, tax and/or deduction information on their check in order to view the net effect of a change. This functionality can also be accessed from the top of the electronic pay stub.

**Federal Tax Form (W-4)**

Allows an employee to make changes to their Federal W-4 information. If your state requires a separate state W-4 form, please make changes on the [state W-4 form](#) and send to the Corporate Payroll Department. If a separate state W-4 form is not required, the state withholding will be updated per the Federal W-4 change.

To complete or change the Withholding Allowance Certificate (Federal W-4):

1. Open the Employee's Withholding Allowance Certificate (Federal W-4) page.
2. Click the marital status that applies.

3. Enter the total number of allowances you are claiming.
4. To withhold an additional federal amount from each paycheck, enter the amount.
5. Verify the information you entered is correct.
6. Click **Save**. Verify information and click **Save** again.

The request will be forwarded to the Payroll Department processing. An employee can use the Request in Process page to review the status of their request.

**To print your W-4 form**

1. Open the Employee's Withholding Allowance Certificate (Federal W-4) page.
2. Click **File Print**.
3. Click **OK**.

Please contact [Cindy Bilger](#) or [Stephanie Collins](#) if you have any questions.

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## E-Manual Leave of Absence

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500 [Leave of Absence](#)

504 [Seasonal Leave of Absence \(Special Rule\)](#)

505 [Intermittent Family or Medical Leave Covered Under the Family and Medical Leave Act](#)

### 500 Leave of Absence (Revised January 22, 2009)

Terracon provides leaves of absence to employees in accordance with federal law, the Family and Medical Leave Act (FMLA) and for other reasons deemed appropriate. Terracon will comply with any provisions of state or local law that provide greater family or medical leave rights than the rights established under the FMLA.

If the employee sustains a disabling work-related injury, the employee is eligible for a leave of absence in accordance with this policy, and subject to all applicable laws covering occupational disabilities.

Under special circumstances, Terracon may grant a leave of absence without pay to employees on regular full time status who wish to take time off from work duties for reasons that are not covered under FMLA. Such leave requests will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence. All Paid Time Off benefits must be used prior to requesting such a leave.

The schedules that follow outline information concerning leaves of absences:

Leave of Absence	FMLA	Non-FMLA
<b>Duration of Leave:</b>	Up to 12 weeks in a 12 month period*	Up to one year (combined with any FMLA leave)
<b>Job Guarantee: 1st 12 wks</b>	Yes	No, unless approved by HR Committee
<b>Job Guarantee: 13- 52 wks</b>	N/A	No, unless approved by HR Committee
<b>BENEFITS:</b> Medical, Dental, Vision, Medical Flex Plan	Benefits continue on same basis as active employee†	COBRA
<b>BENEFITS:</b> Life/AD&D, STD, LTD	Paid by Terracon	Ends on the latest of the date of disability or beginning of non-

		FMLA leave
<b>BENEFITS:</b> Legal Services, Auto/Home, Optional Life Insurance, Dependent Life Insurance	Paid by Employee	Ends on the last day of the month following the beginning of non-FMLA leave

**\* The 12-week period is measured backward from the date the employee uses any qualifying family or medical leave.**

**\* Employee pays employee cost for benefits in which they are enrolled at time of leave.**

#### Family and Medical Leave Act (FMLA)

The FMLA is a very complex law, and this policy complies with that Act. There are aspects under the FMLA which are not specifically referenced in this policy. In those cases, the FMLA will be the governing policy. Terracon provides leaves of absences for employees in accordance with FMLA who have completed at least 1 full year of service and have worked 1,250 hours in the previous 12 months who are temporarily unable to work due to a serious health condition, disability or need to take time off to fulfill family obligations as defined by FMLA. The maximum amount of FMLA is 12 weeks in a 12-month period measured backward from the date the employee uses any qualifying family or medical leave.

- ☐ Any combination of a Medical Leave plus a Family Leave cannot exceed the maximum limit stated above.
- ☐ This time will run concurrently with any paid benefit time available including but not limited to Paid Time Off benefits, Short Term Disability, Long Term Disability or Workers' Compensation.
- ☐ Completion of medical certification form by the treating physician will be required prior to approval of all FMLA leaves.
- ☐ If a husband and wife both work for Terracon and are eligible for a Family Leave of Absence, they can take a combined total of 12 weeks.
- ☐ Upon returning to work from FMLA, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

#### Medical Leave of Absence

For purposes of this policy, a serious health condition or disability will be defined as:

- ☐ inpatient care in a hospital, hospice, or residential medical care facility;
- ☐ continuing treatment by a health care provider; and
- ☐ temporary disability associated with pregnancy, childbirth, or related medical conditions; or
- ☐ employee's own childbirth.

The employee must use any accumulated PTO benefits during the approved medical leave, which is not supplemented by Short Term Disability, Long Term Disability or Workers' Compensation.

Upon return from medical leave, you must submit a health care provider's verification of fitness to work and may be required to see the Company doctor prior to returning.

#### Family Leave of Absence

For purposes of this policy, these leaves are for employees who are temporarily unable to work due to family obligations relating to:

- ☐ the birth, adoption, or placement of a child for adoption or foster care; or
- ☐ care for a child, spouse, or parent with a serious health condition such as:
  - ☐ illness,
  - ☐ injury,
  - ☐ impairment, or
  - ☐ physical or mental condition that involves patient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.

The employee must use any accumulated Paid Time Off benefits during the approved family leave.

#### Leave to Care for Wounded Service Member (updated 1/22/2009)

Eligible employees may take up to 26 weeks of leave to care for spouses, children, parents or next of kin who are service members with serious illnesses or injuries incurred during active duty in the Armed Forces, National Guard or Reserves. This leave is available only during one 12-month period and is combined with all other FMLA leaves in that period, resulting in a maximum total leave entitlement of 26 weeks. As with all FMLA leaves, the time is unpaid and the employee must use any accrued paid time off (PTO) during this leave.

#### **Leave Related to Active Duty or Call to Duty** (added 1/29/2008)

Eligible employees may take up to 12 weeks of FMLA leave in a 12-month period to deal with "any qualifying exigency" that arises from a spouse's, child's or parent's active duty in the Armed Forces, including an order or call to duty. This leave is not confined to a single 12-month period. The 12 weeks is reduced by leave for any other qualifying FMLA event during the 12-month period.

#### **Applying for a Leave of Absence (Employee's Responsibility)**

A written request for a Leave of Absence should be requested on the "[Request for Leave of Absence](#)" Form and submitted to employee's supervisor. This should be completed at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events, normally within two (2) work days after learning of the need for the leave.

Any changes in this information should be promptly reported to the employee's supervisor, manager or Corporate Services Representative (CSR) and Corporate Human Resources.

#### **Approval Process of a Leave of Absence**

After acknowledging the Request for Leave of Absence, the supervisor will forward request to Corporate Human Resources.

☐ OGM approval may be required, if request for leave is not for medical or family related reasons.

Corporate Human Resources will send a letter outlining the employee's rights under FMLA and supply a medical certification form, if applicable.

IMPORTANT: Medical certification must be completed by treating physician and returned to Corporate Human Resources for leave to qualify under FMLA within 15 days or the leave can be delayed or denied.

After medical certification is received and reviewed by Corporate Human Resources notification will be sent to the employee with a status update regarding if their FMLA leave has been approved or denied.

#### **Returning from a Leave of Absence**

So that the return to work from a leave of absence can be properly scheduled, the employee must provide the supervisor or manager with at least two weeks advance notice of the intended date of return to work or as soon as practicable. Upon return from Medical Leave, the employee must submit a health care provider's verification of fitness to return to work, and may be required to see the Company doctor prior to returning.

If the employee fails to report to work promptly at the end of the approved leave period, Terracon will assume that the employee has resigned.

☐ If the employee does not return from FMLA leave and their condition warrants returning, Terracon may recover the full cost of medical and/or dental coverage paid by the Company during the period of leave.

#### **Employee Change Form (Office Responsibility)**

Employee's office must submit an [Employee Change Form](#) after employee's last day worked prior to leave of absence and also upon employee returning to work after completion of leave of absence.

Call Corporate Human Resources if further information is needed.

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#### **504 Seasonal Leave of Absence (Special Rule)** (Revised January 1, 2005)

The company may request that an hourly employee who works in an office or on job sites typically located in northern climates take a "seasonal" leave of absence where there is a reasonable chance of the employee being recalled. This LOA would be approved by the Office Manager and Division/Regional Manager/OGM.

#### Benefits

During the Seasonal Leave of Absence, the employee will be placed on COBRA, where applicable, for benefits. As a special benefit for the first 4 months of the COBRA period, the employee will be allowed to continue enrollment in benefit plans by paying the employee portion of the cost of coverage. If the employee chooses to not return to employment at the end of the seasonal leave of absence, the employee must repay the costs that Terracon paid on the employee's behalf for benefits during the period of the seasonal leave of absence. See Non-FMLA Leave in Section 500 of this manual for benefit coverage after the 4 month period ends.

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### 505 Intermittent Family or Medical Leave Covered Under the Family and Medical Leave Act *(updated November 25, 2004)*

An employee can take Family or Medical Leave on an intermittent or reduced leave basis if it is for one of the following reasons:

- ☐ the birth, adoption, or placement of a child for adoption or foster care.
- ☐ medically necessary treatments (planned or unplanned) for serious health condition.
- ☐ to recover from treatment for serious health condition.
- ☐ to recover from serious health condition.
- ☐ to provide care or psychological comfort to family member with serious health condition.
- ☐ for absences when the employee or family member is incapacitated or the employee cannot perform essential functions of position regardless of whether health care provider prescribes treatment.

Family or Medical Leave taken on an intermittent leave basis may be in any increment with the minimum amount taken being one quarter hour. In a day in which an employee works part of the day and takes intermittent leave for the remainder of the day, the employee will be paid on an hourly basis as allowed by the Fair Labor Standards Act. This provision also applies to salaried employees.

PTO and holiday benefits will be prorated based on the number of hours worked during the period of the leave. This amount will be added to the employee's accumulation following the expiration of the FMLA leave.

Family leave for the purposes of child care may not be intermittent unless approved by management or the mother or child has a serious health condition in connection with the birth.

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### **701 Motor Vehicle Operation** (Revised 10/1/04)

When driving company vehicles, employees are expected to exercise good judgment and are responsible for the proper care of the vehicle. Any abuse or misuse of company vehicles or driving of company vehicles while under the influence of alcohol or illegal drugs is prohibited.

#### **Driving Status**

Each employee is assigned a driving status in one of the following 5 categories:

#### **1. Commercial Vehicle**

Applies to any employee who will be driving a vehicle of 26,000 pounds GVWR or greater.

- Employees in this category are required to have a valid commercial driver's license (CDL), and must comply with applicable provisions of the Department of Transportation Motor Carrier Safety Regulations.

#### **2. Regular Terracon Vehicle**

Applies to all other company vehicles less than 26,000 pounds GVWR and/or if they will be driving a Terracon vehicle at least three times a week on a regular basis.

- Employees in this category are required to have a valid driver's license.

### 3. Personal Vehicle

Applies to any employees who will be driving a Terracon Vehicle three or less times per week and are generally expected to drive their personal vehicle on Company business.

- Required to have a valid driver's license and appropriate insurance

### 4. Not to Drive on Company Business

Employees in this category do not have a valid driver's license, have driving records which do not meet Terracon criteria, or would never be required to drive on company business. Employees placed in this status must not be allowed to drive either a company vehicle or a personal vehicle on company business.

### 5. Privilege to Drive on Company Business

Applies to any employee who has been granted permission to routinely commute to and from home in a company vehicle. (This does NOT include individuals who may occasionally be permitted to take a vehicle home for a legitimate business purpose.) Employees granted permission to routinely commute in a company vehicle must sign a Company Vehicle Commuting Privilege Affidavit which must be approved by both Office and Division Managers. Employees will be taxed on the value of the company vehicle commuting benefit.

## Assigning Driving Status to Employees

### New Employees

New employees are assigned a driving status on their first day of employment when their supervisor completes the "Salaried Offer Letter Approval Form" or the "Hourly New Hire Form."

The supervisor must check **1** of the 5 driving status choices:

<input type="radio"/>	Terracon Commercial Vehicle > 26,000 lbs.	<input type="radio"/>	Personal Vehicle
<input type="radio"/>	Regular Terracon Vehicle	<input type="radio"/>	Not to Drive on Company Business
<input type="radio"/>		<input type="radio"/>	Privilege to Commute w/ Co. vehicle (Approved Commuting Affidavit required)

### Current Employees

If a current employee's driving status changes from one category to another, the supervisor should send an updated "Employee Information Change Form" to Corporate Human Resources noting this change.

### Rental Vehicles

When a rental car is used on company business, it is not necessary to purchase insurance on the rental car from the rental car agency. Terracon's automobile insurance provides coverage for rental cars used by employees on company business.

The complete [Motor Vehicle Operations Policy](#) is in the Health & Safety Manual.

See pages 69-78 of this document

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## 702 Personal Property at the Workplace

Terracon is not responsible for the personal property that employees bring to the workplace. This includes such items as pictures, personal affects, books, references, electronic equipment and tools/equipment.

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## 703 Corporate Services Representative (CSR) (Revised May 27, 2008)

In order to facilitate administrative functions in each local office, one employee, other than the Office Manager, is to be designated as the Corporate Services Representative (CSR). In larger offices, there may be more than one employee sharing the CSR duties. The CSR will serve as a liaison between the respective local office and the corporate staff in the areas of Human Resources, Accounting and General Administration.

The creation of this position serves two purposes:

- ☐ By identifying and training CSR'S at the local office, employees have a local office representative for Human Resources, Accounting and general administration guidance and assistance; and
- ☐ It will allow the Office Manager to perform other activities more related to managing an office.

The selection of the employee who is to perform these responsibilities should be based upon the following criteria:

- ☐ The employee must have the confidence of the Office Manager
- ☐ The employee should have longevity with the company (at least two years with the company is recommended)
- ☐ The employee should be able to and allowed to exercise some independent judgment when appropriate
- ☐ The employee should be in the office fairly consistently (not traveling out of town).

#### **Procedures for Selection**

The Office Manager, upon approval of the Division Manager, has the authority to appoint or designate a Corporate Services Representative for the local office.

The name of the newly appointed or designated CSR should be sent to the Corporate Human Resources department. Human Resources will notify the:

- ☐ Communications Department in order to update the CSR listing on TerraNet, and
- ☐ Information Systems to update the Email listing.

All Corporate staff members are eligible to use the CSRs to assist in communication with the respective offices as necessary.

#### **General Responsibilities**

##### **Human Resources**

- ☐ Ensure that each new employee completes the orientation program.
- ☐ Notify (through proper paperwork and/or computer input) of any employee changes.
- ☐ Communicate Human Resources policies/procedures as instructed.
- ☐ Coordinate employee enrollment in training and seminars.
- ☐ Coordinate employee benefits information and paperwork.

##### **Accounting**

- ☐ Process time and expense reports
- ☐ Assure job cost accounting procedures are followed
- ☐ Coordinate client invoices with Corporate
- ☐ Process accounts payable vouchers
- ☐ Handle miscellaneous charges

##### **General Administration**

- ☐ Act as office reporter for *Inside Terracon*
- ☐ Coordinate Corporate policies with Office Manager
- ☐ Order printed materials (business cards, etc)
- ☐ Process the Terracon Companies Claim Reporting Form

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#### **704 Solicitations and Distributions** *(Revised February 14, 2006)*

(does not apply to Naperville or Rockford, Illinois)

Employees may not solicit any other employee during their working time, nor may employees distribute literature in work areas at any time. Under no circumstances may an employee disturb the work of others to solicit or distribute literature to them during their working time.

Persons not employed by Terracon may not solicit or distribute literature to Terracon employees for any purposes on Terracon premises.

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#### **705 Payment for Out-of-Town Travel** *(updated April 22, 2007)*

(Added August 1, 2003, formerly in the Accounting Manual as Travel Policy, Allowance of Out-of-Town Assignments and Temporary Assignments to a Job Site, 1/1/93)

##### **Out-of-Town Assignments Requiring Overnight Lodging**

An out-of-town assignment is one that requires overnight stay of an employee at a location that is not their normal residence and approved by the Office Manager. Travel time and mileage will be paid to the job site for the initial mobilization and from the job site for the final demobilization. Travel time and mileage back to the home office prior to final demobilization will be paid if the Office Manager requests the employee to return.

Except as otherwise noted in this section, no other travel time or expense to and from the home office will be paid without authorization by the Office Manager. If the project extends over a weekend and into the following week, per diem will be paid for Saturday and Sunday in lieu of travel time and mileage to and from the home office regardless of whether work is performed on Saturday and Sunday.

The daily base of operation for out-of-town assignments will be the project site. Except as noted below in this section, travel time and mileage to and from the project site for lodging, meals or other non-project specific needs will not be paid. If suitable lodging is not available within 10 miles of the site, any additional travel time over 15 minutes each way will be paid.

To the extent that project conditions allow, supervisors and/or project managers will attempt all reasonable efforts to permit the employee to work at least forty (40) hours per week when on an out-of-town assignment. However, conditions may arise that prevent this from occurring.

##### **Short Term Out-of-Town Assignments**

Short-term out-of-town assignments are less than three (3) weeks in length. Reimbursement for lodging and meal expenses will be paid in accordance with the reimbursement guidelines below from project start through assignment conclusion including weekends with no paid trips home.

##### **Mid-Term Out-of-Town Assignments**

Mid-term out-of-town assignments are those which last from three (3) to nine (9) weeks. Travel expenses for mileage, plane fare, or private transportation for one (1) round trip to the employee's home office will be paid for each full three weeks out of town. The mode of transportation will be determined on an individual basis by the responsible Office Manager.

Reimbursement for lodging and meal expenses will be paid in accordance with the reimbursement guidelines below from project start through assignment conclusion including weekends and trips home.

##### **Long-Term Out-of-Town Assignments**

Long term out-of-town assignments are those lasting longer than nine (9) weeks. Special travel and/or expense arrangements will be made for these assignments on a case-by-case basis.

##### **Out-of-Town Assignments to Other Terracon Office Locations**

When an employee is assigned temporarily to another Terracon office that requires overnight stay in temporary lodging, travel back and forth to his/her home office or residence is treated the same as if the employee had been assigned to an out-of-town job site. Other expenses such as travel time and mileage to a series of part-time or short duration jobs in and around the local office will be treated similarly to expenses incurred when working at the home office.

##### **Temporary Assignments Not Requiring Overnight Lodging**

On occasion, employees may receive temporary assignments (chargeable or non-chargeable) that require them to report directly to a location that is not their home office and return home each day. Under these circumstances, the employee may not be paid travel time or mileage, or the employee may be paid a reduced amount depending upon the actual distance the employee lives from the office and the distance from the employee's residence to the



assignment location.

Generally, the employee would not be paid any travel time or mileage if the distance from their residence to the assignment is less than the distance from their residence to the office. Any necessary trips from the assignment location to the office will be paid at normal mileage and travel time rates. These special arrangements are to be made by the local Office Manager in conjunction with the employee, and in all instances will be discussed prior to being implemented.

At the discretion of the Office Manager, a per diem allowance in lieu of travel expenses (time and mileage) may be paid on projects farther than 40 miles from the home office.

Terracon travelers are required to stay in reasonably priced hotels and motels that are typical of the area. If a special rate has been negotiated in a specific city, the traveler should stay at the designated property. At the discretion of the Office Manager on long-term assignments, Terracon may pay directly for the lodging and provide the employee a weekly meal allowance.

#### **Reimbursement Guidelines Out of Pocket Basis**

Salaried employees will be paid actual out-of-pocket expenses for lodging and meals while away overnight from home.

Travelers must request reimbursement on the weekly Time & Expense Report. All receipts for lodging must be attached to the Time & Expense Report. The room rental charges and all other allowable charges (i.e., telephone, meals, etc.) appearing on the bill should be reported separately. Personal charges for such items as room service, shoeshine, pay TV or movies, etc., are not reimbursable. Additionally, any penalty assessed by a hotel/motel due to an employee's failure to cancel a reservation will not be reimbursed.

#### **Per Diem Basis**

All hourly employees will be paid a per diem for lodging and meals while away overnight from home. At the discretion of the office manager, this may also apply for jobs in or near town but a long distance from the office. Overnight lodging cost may be reimbursed at actual out of pocket costs in high cost areas if approved by the office manager. All receipts for out of pocket lodging must be attached to the Time and Expense Report.

The per diem allowance should be recorded on the Time & Expense Report, and the allowance will be reimbursed as follows:

- Lodging \$ 70.00/day
- Meal allowance for the full day \$ 30.00/day
- Meal allowance for the final day after having been out of town at least one night: \$15.00/day
- Full meal allowance of \$30.00/day for final day will be paid if employee returns to the office after 6:00 p.m.
- Total Per Diem Rate is \$100.00/day.

In unique instances, a Division Manager may authorize different per diem rates for high cost living areas.

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#### **706 Bulletin Boards** (Added February 14, 2006) (does not apply to Naperville or Rockford, Illinois)

Terracon uses bulletin boards to transmit information to employees quickly and accurately.

The company maintains two types of bulletin boards; one for company communications and one for items to be posted by employees.

#### **Company Bulletin Boards**

Each office has a bulletin board that will be used for Terracon information. These bulletin boards are reserved for information concerning business-related subjects such as Terracon policies and plans, important federal and state labor laws, employment, safety procedures, important promotions, changes in operations, and other topics that concern or affect employees. All employees are expected to check this bulletin board periodically for new and/or updated information and to follow the rules set forth in all posted notices. Employees may not remove material from the company bulletin boards.

#### **Employee Bulletin Boards**

At Office Manager discretion, offices may provide employee bulletin boards for information concerning product news, notices of recreational clubs or organizations, want ads, and other general-interest items. Employee postings may not be inconsistent with any other Terracon policies and may not obscure any required company postings. The Office Manager has the right to remove any employee postings.

Terracon is not responsible for the accuracy of announcements posted to the Employee Bulletin Board.

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### **708 Local Computer Administrator** (Updated December 5, 2003)

In order to facilitate administrative functions related to the operation of computers at each local office, one employee, other than the Office Manager, is to be designated as the Local Computer Administrator (LCA). This employee will serve as a liaison between the respective local office and the Corporate Information Services department.

The creation of this position serves the following purposes:

- It ensures that critical tasks related to the administration of our computer systems are being performed at each office.
- Provides a key contact at each office that will be used by Information Technology personnel to coordinate the resolution of issues and the implementation of new capabilities.
- Also, provides a key contact at each office that will coordinate all Information Services purchases with the Corporate Purchasing department.

The selection of the employee who is to perform these responsibilities should be based upon the following criteria:

- The employee must have the confidence of the Office Manager.
- The employee should have longevity with the company (recommended two years employment with the company).
- The employee should be able to and allowed to exercise independent judgment when appropriate.
- The employee should be well organized and have excellent administrative skills.
- The employee should be in the office fairly consistently (not traveling out of town).
- The employee should be capable of using Microsoft Office and Outlook.

### **Procedures for Selection**

The Office Manager, after consulting with the Corporate Network Manager, has the authority to appoint or designate a Local Computer Administrator (LCA) for the local office.

The name of the newly appointed or designated LCA should be sent to the Chief Information Office (CIO) located at the corporate offices. The CIO will notify the:

- Communications Department in order to update the LCA listing on TerraNet, and
- The Information Services Manager of Network Services.

### **General Responsibilities**

- Ensure that backups are performed each day.
- Implements and maintains the off-site rotation of backup media (tapes).
- Ensure that the office is software compliant.
- Ensures that all computers are properly disposed of.
- Primary contact and coordinator with the Corporate Information Services department.
- Coordinates all Information Services purchases with the Corporate Purchasing Department.
- Perform the Records Management Quarterly CD backup procedures.
- Physical set up of new computers for configuration by the Corporate Information Services Helpdesk.

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**709 Computer Resource Usage** (Updated January 20, 2009)

Terracon relies on its email, Internet and computer systems (the "Computer Resources") to conduct its business. These resources must be used properly by its employees, independent contractors, agents, and other computer users. Computer Resources include but are not limited to computers, workstations, PDAs, laptops, software, applications, email, Internet, telecommunications, networks, peripherals and other equipment and services related to Information Technology activities.

The rules and obligations described below apply to all users (the "Users") of Terracon's Computer Resources. Violations will be taken very seriously and may result in disciplinary action up to and including termination, civil and criminal liability.

The Computer Resources are the property of Terracon and are intended to be used only for business purposes. All Users have the responsibility to use Terracon's Computer Resources in a professional, ethical, and lawful manner. Terracon's Computer Resources may not be used for dissemination or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (that is, viruses or self-replicating code), political material, or any other unauthorized use.

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, demeaning, intimidating, defamatory, or otherwise unlawful or inappropriate may not be sent by email or other forms of electronic communications (such as bulletin board systems, newsgroups or chat groups) or displayed on or stored in Terracon's Computer Resources.

Users may not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups or otherwise creating unnecessary network traffic.

All Computer Resources (e.g. equipment and software) will be purchased through the Corporate Purchasing department to ensure that standards are met and software licenses can be properly tracked to demonstrate software compliance. The company may not reimburse employees for purchases not made through the Corporate Purchasing department.

**User Name and Password**

Users will be assigned a unique User Name and password that they will use to access Terracon's networks and applications. The User Name and password is private and confidential and under no circumstances will any User share their password with anyone or allow anyone to access or alter information using their User Name. Each User is responsible for preventing the unauthorized use of their User Name and password. A User must immediately contact the Helpdesk if they believe that their User Name and password has been compromised or has been used by another individual.

**No Expectation of Privacy**

The Computer Resources given to Users are to assist them in the performance of their jobs. Users should not have an expectation of privacy in anything they create, store, send, or receive on these Computer Resources. Users should never consider electronic communications to be confidential, private or secure. The existence of a password provides no guarantee of privacy.

Users expressly waive any right of privacy in anything they create, store, send, or receive on the computer or through the Internet or any other Computer Resource. Users consent to allowing Terracon to access and review all materials.

**Computer Software Usage**

Terracon licenses the use of computer software from a variety of outside companies. Terracon does not own this software or its related documentation and unless authorized by the software developer, does not have the right to reproduce it except for backup purposes. Terracon's policy is to abide by all software license agreements. Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to the Chief Information Officer.

Without proper authorization, Users may not do any of the following: (1) install software on any of Terracon's computers; (2) copy software for use on their home computers; (3) provide copies of software to any independent contractors or clients of Terracon or to any third person; (4) download any software from the Internet or other online service to any of Terracon's computers; (5) modify, revise, transform, recast, or adapt any software; or (6) reverse-engineer, disassemble, or decompile any software.

Users may not illegally copy material protected under copyright law or make that material available to others for copying. Users are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material they wish to download or copy. Users may not agree to a license or download any material for which a registration fee is charged without first obtaining proper written permission.

Personal software or data files of any kind are not to be installed on any company Computer Resource. Employees

may store personal information related to schedules and contact lists on company computers that would need to be referenced during working hours.

**Email**

Email is an important method of communicating with each other and with our clients, customers, vendors, and consultants. Email may be stored indefinitely on any number of computers, including that of the recipient. Copies of messages may be forwarded to others either electronically or on paper. In addition, email sent to non-existent or incorrect usernames may be delivered to persons that were never intended.

Documents and messages transmitted by email will utilize the same QA/QC procedures as the corresponding hardcopy documents.

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, demeaning, intimidating, defamatory, or otherwise unlawful or inappropriate may not be sent by email.

Users will not initiate chain or mass email messages. Users should delete all chain email messages and all non-business related mass email messages immediately upon receipt and refrain from forwarding them to any other Users.

Users must not alter the "From:" line or other attribution-of-origin information in email, messages, or postings. Anonymous or pseudonymous electronic communications are forbidden.

Employees will be allowed to use the email system for occasional personal use for text only messages. However, personal emails will not contain attachments of any type and the content of personal emails must adhere to the previously stated standards of this policy.

**Internet**

Certain Users may be provided access to the Internet to assist them in performing their jobs. The Internet can be a valuable source of information and research. Use of the Internet, however, must be used with common sense and good judgment.

Terracon is not responsible for material viewed or downloaded by Users from the Internet. Users are cautioned that the Internet includes information that is offensive, sexually explicit, and inappropriate. It is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. Having an email address may lead to receipt of unsolicited messages containing offensive content. Users accessing the Internet do so with this understanding and at their own risk.

To ensure security and avoid the spread of viruses, Users accessing the Internet through a computer attached to Terracon's network must do so through an approved Internet firewall. Accessing the Internet directly, by modem, is strictly prohibited unless the computer being used does not have access through an approved firewall.

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**710 Employment Dispute Resolution Program** (Updated July 3, 2000)

Terracon has created a program to resolve workplace disputes in a manner which will promote positive employee relations, and, at the same time, will keep costs under control. The Program provides a way to resolve problems that occur in the workplace by providing a system to communicate the problems and get them resolved at the lowest possible level. For serious problems, it makes available the skills and expertise of the American Arbitration Association to insure a timely, impartial, and legally binding resolution of the problems or disputes. Terracon is using the Program as the exclusive means of resolving workplace disputes for certain legally protected rights and all employees are bound by this Program effective November 1, 2000.

[Employment Dispute Resolution Program Summary](#) see pages 79-82 of this document

[Complete Terracon Employment Dispute Resolution Program Document](#) see pages 83-90 of this document

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**711 Use of Phone, Copying Machines and Mail Systems**

To ensure effective communications, maintain a high level of service to our clients, and project a positive image at all times, employees should always use an appropriate greeting when answering the telephone, speaking in a courteous and professional manner.

All calls should be kept to a minimum time necessary to conduct business, in order to reduce costs.

Personal use of telephones for long-distance and toll calls is not permitted. Discretion should be practiced in using Company telephones when making local personal calls.

The use of Terracon-paid postage for personal correspondence is not permitted.

Personal use of copying machines is not permitted.

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### **712 Federal and State Required Posters**

Federal and state laws require employers to display certain posters where employees and job applicants can readily see them. Each office should maintain a bulletin board in a highly visible area for such posters.

Corporate Human Resources will supply each office with the required posters and will update poster information as required by law, this service is provided by G.Neil.

#### **Required Posters**

##### **Federal**

- Notice to Employees of Federal Minimum Wage
- Equal Employment Opportunity
- Employee Polygraph Protection Act
- Occupational Safety and Health Act
- Americans with Disabilities Act
- Family and Medical Leave Act

##### **State--Varies by state**

Some examples are:

- Notice to Employees of State Minimum Wage
- Workers' Compensation
- Equal Employment Opportunity
- Occupational Safety and Health Act
- Child Labor
- Unemployment
- Freedom from Harassment

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### **713 Firearms Policy** (Added August 16, 2004)

With the exception of law enforcement personnel, the possession of firearms in Terracon buildings, vehicles, or parking facilities, or the possession of firearms on property owned or controlled by Terracon clients is strictly prohibited.

#### **Applicability**

This policy applies to all firearms, concealed or unconcealed, and to all Terracon employees and contract employees, whether full or part time.

#### **Enforcement**

Violations of this policy should be reported to the Office Manager as soon as possible. Employees found in violation of this policy will be subject to disciplinary action, up to and including termination. The possession of firearms in violation of the above policy will be considered an act of criminal and civil trespass. Violators will be asked to immediately remove firearms from premises controlled by Terracon or its clients. If such requests are refused, law enforcement will be contacted immediately.

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*Please contact the Corporate Human Resources Department if you have questions about the items on this page.*



## MOTOR VEHICLE OPERATIONS POLICY

### I. MOTOR VEHICLE OPERATIONS POLICY STATEMENT

Terracon is committed to operating our vehicle fleet with the safety of our employees and the general public as a primary concern. It is the policy of Terracon to maintain company vehicles in a safe operating condition. Terracon employees required to drive on Terracon business are expected to operate company and personal vehicles in a safe, efficient and courteous manner. Terracon employees are expected to obey applicable company vehicle operator policies and state or federal motor vehicle operator regulations. Driving on Terracon business while under the influence of alcohol or illegal substances will not be tolerated, and will be considered grounds for immediate termination.

In an effort to enhance motor vehicle safety, the driving record of current and prospective employees will be evaluated as a factor in employment decisions. To reinforce employee safe driving habits, Terracon will include safe vehicle operation in its safety incentive award program. Notwithstanding other provisions contained in this policy, Terracon reserves the right to restrict driving privileges or terminate employees who violate motor vehicle safety policies and/or who are involved in multiple, preventable vehicle accidents.

### II. GENERAL MOTOR VEHICLE SAFETY RULES

- A. Operating a vehicle on Terracon business while under the influence of alcohol or controlled substances will not be tolerated and will be grounds for disciplinary action up to and including termination.
- B. Terracon company vehicles have been purchased for the **sole** purpose of conducting company business. Non-business use of company vehicles by employees or others is strictly prohibited. Terracon supervisory personnel will not permit employees off-duty use of company vehicles for use as a personal vehicle or for any other use. Personnel found in violation of this policy will be subject to disciplinary action up to and including termination. Damages sustained to vehicles used for non-business purposes will be the sole responsibility of the employee who used the vehicle for unauthorized purposes.
- C. Terracon employees required to drive for Terracon company business must possess a valid driver's license of a class appropriate for the vehicles to be operated. Employees who lose their drivers license are subject to termination if the inability to drive prevents the employee from performing the duties of his/her position. Personnel issued court-ordered hardship or occupational driving privileges following a serious violation may not drive company vehicles until the court-ordered restrictions are removed and regular driving privileges are restored. Personnel may operate their own vehicles in the furtherance of company business with court-issued hardship/occupational driving privileges provided they provide proof of liability insurance with \$100,000/\$300,000 coverage limits.
- D. Operating any motor vehicle on company business while under suspension or revocation will grounds for immediate termination.
- E. Employees must immediately notify their supervisor if their driver's license is suspended or revoked. Knowingly operating any motor vehicle on company business while under suspension or revocation will be grounds for immediate termination.



## **MOTOR VEHICLE OPERATIONS POLICY**

- F. If an employee is convicted of a drug or alcohol-related violation during employment, the following procedure must be followed:
- The employee must immediately notify their supervisor of all drug/alcohol related convictions, suspensions or revocations.
  - The supervisor will notify Corporate HR or Safety and Health Manager of the violation, suspension or revocation.
  - A motor vehicle record (MVR) and background check will be run to determine if the driving record meets acceptable criteria for personal or company vehicle use. Corporate will notify the supervisor and the employee of any change in the employee's driving privileges.
- G. As a condition of employment, Terracon employees will permit the company to access and review their MVR and other background information. All prospective employees will be required to sign a release authorizing Terracon to conduct a background check as part of the employment process. Refusal to sign the release will be considered cause for denial of employment.
- H. Driving records of all Terracon employees will be obtained upon initial hire and reviewed at least once per year. Employees may be subject to probation, loss of company driving privileges or other administrative actions if their driving record violation history exceeds the criteria set forth herein.
- I. Except in cases of extreme emergency, only authorized Terracon employees are permitted to operate Terracon company vehicles. Employees who permit others to operate Terracon vehicles in a non-emergency situation will be subject to disciplinary action up to and including termination.
- J. Seat belts will be worn by drivers and passengers of all Terracon motor vehicles.
- K. Terracon employees are expected to abide by posted speed limits and applicable traffic laws while operating vehicles on company business. Terracon will not reimburse employees for the cost of speeding or other traffic citations incurred on company business.
- L. Vehicles and trailers will not be loaded beyond their rated capacities. All trailers will be properly secured to the tow vehicle and all loads will be properly secured prior to operating vehicles on public thoroughfares.
- M. Riders are not permitted on any vehicle or part of a vehicle unless a proper seat is provided.
- N. Terracon employees are prohibited from allowing hitchhikers or any other non-business related passengers (including family members) from riding in company vehicles.
- O. In accordance with the Terracon firearms policy, the possession and transport of firearms in Terracon vehicles is strictly prohibited.

### **III. PERSONAL AUTO LIABILITY INSURANCE AND COMPANY INSURABILITY**

- A. All Terracon employees required to operate personal motor vehicles on Terracon business will be required to carry personal automobile liability insurance which meets the minimum requirements of the affected state. Proof of automobile liability insurance will be provided to Terracon upon request.



## **MOTOR VEHICLE OPERATIONS POLICY**

- B. Failure to maintain adequate insurance coverage will result in loss of company driving privileges and other administrative actions up to and including termination.
- C. Terracon employees who become uninsurable due to poor driving history will not be permitted to operate vehicles on company business and may be subject to termination if the inability to operate a vehicle prevents the employee from performing the duties required of their position.

### **IV. INCIDENT NOTIFICATION PROGRAM**

- A. Terracon will participate in an unsafe driver identification program. All Terracon vehicles will be affixed with bumper stickers displaying a toll-free number to a traffic incident hot line/employer notification service. The Department Manager or drilling Supervisor is responsible for maintaining incident notification system stickers in legible condition. Incident notifications will be forwarded to the manager and/or supervisor of the affected employee.
- B. The supervisor of the affected employee will review the alleged incident with the employee and counsel the employee as appropriate. The supervisor will complete a response to the incident within 10 working days of receipt of the incident report. Unless otherwise requested, responses will be provided electronically in accordance with instructions supplied by the program administrator.
- C. . Receipt of multiple, verified driver incident notices will be grounds for disciplinary actions including, but not limited to, loss of commuting and/or company driving privileges. Driver incident reports will be placed in the employee's personnel file and will be given consideration during performance and salary reviews.

### **V. MOTOR VEHICLE RECORDS (MVR)/DRIVER EVALUATION CRITERIA**

- A. Background checks including MVRs will be obtained for all prospective employees and agency workers required to drive on company business. At minimum, the MVR must be obtained and reviewed before a prospective employee or agency worker is permitted to operate a company vehicle.
- B. Background checks used in Terracon employment decisions must include a MVR that is less than 30 days old and must contain information from at least the previous three (3) years. The driving record of former employees re-hired within 63 days of separation need not be re-checked.
- C. Employee driving record information will be obtained and reviewed at least once year. Background information, including MVRs and preventable accidents, will be evaluated using the following point system and acceptable driving criteria:





## MOTOR VEHICLE OPERATIONS POLICY

Violation	Points	Violation	Points	Violation	Points
DWI, DUI, or Refusal to take breath, urine or blood test	25	Alcohol or drug related revocation or suspension	25	Leaving accident scene or eluding police	25
Reckless driving	25	Driving while license suspended or revoked	25	Negligent or careless driving	15
Speeding (greater than 15 mph over speed limit)	10	Failure to yield	10	Illegally passing stopped school bus	10
Following too closely	10	Disregarding traffic control device	10	Driving on the wrong side of the road	8
Illegal passing	8	Speeding without indication of mph > posted speed limit.	5	Other moving violations	5

*Multiple violations stemming from a single incident will be assigned a point value equal to that of the highest single infraction.*

For personnel not in a probationary status, preventable company vehicle accidents incurred in the most recent three (3) year period will impact the driver's MVR score as follows:

- Each major accident will add 10 points to the total MVR score. (Major accident is defined as any accident that results in injury requiring medical attention away from the accident scene, any accident involving a pedestrian and/or any accident that incurs more than \$5000 in damages)
- Each minor accident will add 5 points to the total MVR score. (Minor accident is defined as any non-injury accident not involving pedestrians that results in damages less than \$5000.)

Personnel will not be permitted to operate company vehicles if their MVR score exceeds 30 points in a three (3) year period.

Personnel may not drive personal vehicles in the furtherance of Terracon business if their MVR score exceeds 45 points in a three (3) year period. Personnel driving personal vehicles on company business must maintain liability insurance coverage meeting state-specified limits.

Personnel authorized to commute to and from home in company vehicles in accordance with the terms of this policy must maintain violation history score of 20 points or less in the past 3 years, with no DWI, drug or alcohol related driving convictions within the past five (5) year period.

Notwithstanding the criteria outlined in Sections V. or VI. of this policy, Terracon management reserves the right to disqualify personnel from operating vehicles on Terracon business if the



## MOTOR VEHICLE OPERATIONS POLICY

driving record displays a pattern considered reckless, irresponsible or unacceptable by Terracon senior management and/or Terracon's insurance carrier.

### VI. PROBATIONARY DRIVING PRIVILEGES

- A. Personnel with a 3-year MVR score of between 21 and 45 points may be hired to drive on company business in a probationary status. Personnel with an MVR score greater than 20 points must agree to complete a defensive driving course on their own time within the first 30 days of employment. Defensive driving courses will be selected and approved by the Corporate Safety Department.
- B. Company driving privileges will remain in a probationary status until the employee's 3-year MVR score is 20 points or less.
- C. Personnel on probationary status who incur a preventable motor vehicle accident will incur additional MVR points commensurate with the severity of the accident, and will lose company vehicle driving privileges. The operation of company vehicles will not be permitted until the employee's 3-year MVR score is 20 points or less.

Deleted:

### VII. SAFE DRIVER RECOGNITION PROGRAM

- A. As an aid in the prevention of automobile accidents, injuries and property damages, safe driving has been included as a component in Terracon's safety incentive program.
- B. All full time CMT/geotechnical technicians and drillers are eligible for participation in the Terracon safety incentive award program. Those personnel remaining accident and injury free throughout the safety award program plan period will be eligible for an award.
- C. Only those auto accidents determined to be preventable will disqualify eligible employees from receiving a safety incentive award. Determination of preventability will be made in accordance with the criteria established in Appendix A of this section or by a loss prevention representative of Terracon's automobile insurance carrier.
- D. Safety incentive awards will be issued on a quarterly basis.

### VIII. PREVENTABLE ACCIDENT POLICY

- A. The purpose of this policy is to reduce vehicle damages, personal injury and control accident related losses incurred by unsafe or inattentive driving on Terracon business. Appendix A of this section and/or consultation with a loss prevention representative of Terracon's auto insurance carrier will be used in determining the preventability of auto accidents.
- B. **First Offense**  
Terracon employees in a probationary driving status will lose company vehicle driving privileges as outlined in Section VI. of this policy. Such personnel will not resume the operation of company vehicles until their 3-year MVR score is 20 points or less.



## MOTOR VEHICLE OPERATIONS POLICY

- A Terracon employee in non-probationary driving status who incurs a minor preventable accident in a company vehicle will be required to complete a web-based defensive driving course on their own time within a 30 day period. Drivers with company vehicle commuting will also lose their vehicle commuting privilege for a period of at least two days following a minor preventable accident.
  - A Terracon employee in a non-probationary status who incurs a major preventable accident in a company vehicle will be suspended for at least 2 days without pay and will be required to attend a live driver training course on their own time and at their own expense. Courses shall be a minimum of 4 hours in duration and must be arranged within 45 days following notification of the requirement to attend. Drivers with company vehicle commuting privileges will also lose their vehicle commuting privilege for a period of at least one week.
- C. **Subsequent Offenses**
- Notwithstanding the penalty provisions outlined below, employees involved in subsequent preventable accidents while operating a company vehicle will be subject to termination at the discretion of Terracon. At a minimum, employees who incur a second preventable accident within a 3 year period will be suspended for at least two days without pay, and will be required to attend a live driver training course on their own time and at their own expense. Courses shall be a minimum of 4 hours in duration and must be arranged within 45 days following notification of the requirement to attend. Drivers with company vehicle commuting privileges will also lose their vehicle commuting privilege for a period of at least two weeks. Any preventable accident during the subsequent 3 year period will be grounds for additional disciplinary action including termination.
  - Employees who incur a second *major* preventable accident within a 3 year period will be subject to termination. Employees not terminated will be suspended for at least one week without pay and will be required to attend a classroom defensive driving course approved by the Corporate Safety and Health Manager. Courses shall be a minimum of 4 hours in duration and must be arranged within 45 days following notification of the requirement to attend. Drivers with company vehicle commuting privileges will also lose vehicle commuting privileges for at least one month. Any preventable accident during the subsequent 3 year period will be grounds for automatic termination.
- D Refusal to complete a defensive driving course when requested by Terracon in accordance with the above will be considered grounds for termination.

*A major accident is defined as one involving the following:*

- *Any preventable collision with a pedestrian.*
- *Any preventable collision with other vehicles incurring \$5000 or more in repair and/or liability expenses.*
- *Any preventable collision with a stationary object or roll-over incident resulting in vehicle damages of \$5000 or more.*

### VIII. DRIVER TRAINING

- A. Terracon personnel will be provided a copy of this section and other vehicle-related policies applicable to their position, and will be required to acknowledge their understanding of these policies upon initial hire.



## MOTOR VEHICLE OPERATIONS POLICY

- B. Operators of drill rigs and other commercial motor vehicles will be familiarized with the operation of the equipment by a department Supervisor prior to solo operation of the vehicles, and will comply with Federal Motor Carrier Safety Regulations and Terracon Commercial Motor Vehicle operator policies
- C. Terracon, in conjunction with the Terracon automobile insurance carrier and/or broker will promote safe driving habits through the periodic distribution of videotape training programs, literature distributions and postings pertaining to safe vehicle operation.

### IX. COMPANY-OWNED VEHICLES--COMMUTING PRIVILEGES

Terracon company vehicles have been purchased for the *sole* purpose of conducting company business. With the express permission of the Terracon Division Manager and Executive V.P., employees may be granted vehicle commuting privileges on a limited basis when there is a compelling reason. Terracon employees eligible for company vehicle commuting privileges will maintain a violation history point score as specified in Section V. of this policy. Terracon employees granted company vehicle commuting privileges will abide by the following rules:

- A. Employees granted commuting privileges must sign their agreement to the terms and conditions contained in the Company Vehicle Commuting Privilege Affidavit.
- B. Only Terracon employees may operate Terracon vehicles.
- C. Only Terracon employees or individuals directly involved in Terracon business may be transported as passengers in company vehicles.
- D. Employees with commuting privileges will restrict use of the vehicles to commuting to home and to the office or the first job assignment on the following day. Company vehicles are intended for *business use only*. Use of the vehicles for other than commuting to and from home and the office or job assignment is strictly prohibited and will be considered grounds for disciplinary action up to and including termination. Drivers will be personally responsible for damages incurred while operating a Terracon vehicle for unauthorized personal use.
- E. Employees found in violation of the no personal use provisions of this commuting privilege policy are subject to termination. At minimum, such violations will be subject to the following administrative actions: First violation -- suspension of company vehicle commuting privilege for at least one month. Second violation -- termination or permanent revocation of company vehicle commuting privileges.

### X. CELLULAR TELEPHONE USE IN VEHICLES

- A. Use of cellular telephones in company vehicles is discouraged and should be avoided by all Terracon personnel, and is prohibited in jurisdictions where such use is in violation of the law. Terracon will not pay citations that employees receive for violation of cellular telephone laws or ordinances.
- B. Dialing outgoing calls on cellular telephones while driving is a distraction to vehicle operators which must be avoided. Terracon personnel are instructed to pull their vehicle to a safe location before placing outgoing calls on cellular telephones.
- C. Incoming calls received while driving should not be answered. The calls should be permitted to go into voice mail messaging, and the employee should pull the vehicle to a safe location before returning the call.

# Terracon

## PREVENTABLE ACCIDENT CRITERIA

(Adapted from National Safety Council Criteria)

(Based on National Safety Council Guidelines)

### Intersections

It is the responsibility of drivers to approach, enter and cross intersections prepared to avoid accidents that might occur through the actions of other drivers. Failure to take precautionary measures prior to entering an intersection will be evaluated in determining whether an intersection accident was **preventable**. Intersection accidents caused by reason of excessive speed, crossing a lane while turning, skidding due to rain, snow or ice, or coming from behind a blind spot, will be considered **preventable**.

### Vehicle Ahead – Rear-End Collisions

All rear-end collisions will be considered **preventable**. Regardless of the abrupt or unexpected stop of the vehicle ahead, a driver can prevent rear-end collisions by maintaining a safe following distance. This includes being prepared for icy or inclement driving conditions, possible obstructions in plain view or potentially hidden by the crest of a hill or curve of the roadway. Night speeds should permit braking within the distance of forward illumination of the headlights.

### Backing

All backing accidents are **preventable**. A driver is not relieved of responsibility to back safely when a guide is involved in the maneuver. A guide cannot control the movement of the vehicle; therefore, a driver must verify all clearances.

### Vehicle Behind

Collisions involving the rear of the vehicle, which are preceded by a roll-back, an abrupt stop at a grade crossing, when a traffic signal changes, or when the driver fails to signal a turn at an intersection, will be considered **preventable**. Accidents resulting from the failure to signal intentions or to slow down gradually will also be considered **preventable**.

### Passing

Failure to pass safely indicates faulty judgment and the possible failure to consider one or more of the important factors a driver must observe before attempting a maneuver. The entire passing maneuver is voluntary and is the responsibility of the driver. Accidents incurred while passing will be considered **preventable**.

### Pedestrians

Since a driver has the responsibility to yield the right-of-way to pedestrians, pedestrian accidents will be considered **preventable**. School zones, shopping areas, residential streets, and other areas with special pedestrian traffic must be traveled at reduced speeds equal to the particular situation. Bicycles, motor scooters, and similar equipment are often ridden by young and inexperienced operators. The driver who fails to reduce speed and increase side space cushions when approaching this type of equipment has failed to take the necessary precautions to prevent an accident.

**Terracon**  
**PREVENTABLE ACCIDENT CRITERIA**  
(Adapted from National Safety Council Criteria)

**Failure to Secure Loads**

Projecting loads, loose objects, falling from the vehicle, loose tarpaulins or chains, doors swinging open, etc., resulting in damage to the vehicle, cargo, or other property or injury to persons, will be considered **preventable**.

**Fixed Objects**

Collisions with fixed objects are **preventable**. They usually involve failure to check or properly judge clearances. A driver must be constantly on the lookout for such conditions and make the necessary allowances.

**Non-Collision (Running Off Road, Jackknifing, Rolled Vehicle, etc.)**

Many accidents, such as overturning, jack-knifing, or running off the road, may result from emergency action by the driver to avoid being involved in a collision. Examination of events prior to the incident (such as icy or inclement conditions) may reveal speed too fast for conditions, or other factors. The driver's actions prior to involvement will be examined for possible errors or lack of defensive driving practice prior to classifying these incidents as **preventable**.

**Parking**

Roll-away accidents from a parked position will be classified as preventable. This includes unauthorized entry into an unlocked, unattended vehicle, or failure to properly block wheels or to turn wheels toward the curb to prevent vehicle movement.



## Commuter Driver Affidavit and Reimbursement Policy - 2008

**MUST BE COMPLETED ANNUALLY BY ALL EMPLOYEES  
AUTHORIZED TO USE COMPANY VEHICLES FOR COMMUTING**

1. I understand that being provided a Terracon company vehicle to commute to and from home is a privilege which may be revoked at any time. I understand that my personal use of the vehicle will be limited to commuting to and from the office/project site and my home, and that all other personal use of the company vehicle is strictly prohibited. Driving a Terracon vehicle under the influence of alcohol or illegal substances will not be tolerated. I understand that if I am caught in violation of these policies, commuting privileges will be revoked and I will be subject to disciplinary action up to and including termination. I understand that I will be held solely responsible for all damages incurred during impaired or unauthorized use of company vehicles.
2. I understand that I must be a full time employee and that more than 50% of my working time must be spent in the field.
3. I understand that my motor vehicle record will be checked annually, and that commuting privileges will be revoked if my driving record fails to meet Terracon's acceptable driving record criteria. I understand that I will inform the company of **ALL** driving violations I receive during this year.
4. I understand that non-business related passengers may not be carried in the vehicle at any time.
5. I agree to maintain and service the vehicle at the required service intervals and to keep the vehicle inspected (where applicable) and in proper working condition. Maintenance, inspection, fuel, oil and other fluids will be at Terracon's expense. Failures to maintain vehicles, when required, will likely result in loss of company vehicle commuting privileges.
6. I agree to use only the fuel card specifically assigned to this vehicle for all fueling requirements. Failure to use only this unit specific card and to assure that it stays with its assigned unit may result in the loss of company vehicle commuting privileges.
7. I agree to accept sole responsibility for all auxiliary equipment and parts, including radios, tires, spares, jacks, testing equipment, etc. In the event of theft or losses attributable to carelessness on my part, I agree to replace damaged, lost or stolen components at my expense.
8. Portable nuclear gauges will be transported only in DOT approved shipping containers in accordance with DOT and State/Federal NRC regulations. I understand that unless I have been specifically authorized in writing, I may not take a portable nuclear gauge home at the end of the work day.
9. I understand that I must record commuting mileage, as well as chargeable and non-chargeable business mileage, on my weekly Time and Expense Reports. Failure to accurately record mileages will result in loss of company vehicle commuting privileges.
10. I understand that I will be responsible for providing quarterly vehicle odometer reading reports to the Fleet Representative in my office.
11. I understand that company vehicle commuting privileges are granted only to full time Terracon employees who have access to another vehicle for non-business use. I also understand that I must supply annual proof of liability insurance coverage on another vehicle in order to maintain company vehicle commuting privileges. Failure to provide proof of liability insurance coverage on another vehicle will result in loss of company vehicle commuting privileges.
12. **I understand that the privilege to commute to and from home in a company vehicle is a taxable benefit. I understand that employees granted commuter driver privileges PRIOR to 1/1/05, weekly gross commuting mileage will be valued at \$15 per week and payroll taxes on this amount will be withheld from my bi-weekly payroll check.**
13. **I understand that employees granted the commuter driver privilege AFTER January 1, 2005 will be subject to the Commuter Driver Reimbursement Policy paycheck deductions as described below.**

<u>ROUNDTrip Daily Distance Between Residence and Office</u>	<u>Weekly Deduction from Paycheck</u>
0-50 miles	\$20
51-80 miles	\$30
81-100 miles	\$45
Over 100 miles	\$60
14. I understand that no adjustment will be made to the weekly deductions shown above when project sites are located closer than the roundtrip distance between the commuter's residence and office and that these deductions will apply every week of the year, regardless of holidays or paid-time-off.

I \_\_\_\_\_ have read and agree to abide by all the above.  
(Print Full Name)

The estimated roundtrip daily commuting distance between my residence and the office is \_\_\_\_\_ miles.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Office Name: \_\_\_\_\_ Vehicle Unit #: \_\_\_\_\_

### APPROVALS (ALL MUST BE COMPLETED)

Office Manager	Date:
Regional/Division Manager	Date:
Corporate Approval	Date:

1/21/08

# TerraNet Portal



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## E-Manual-Miscellaneous

### Employment Dispute Resolution Program Summary

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*The Terracon Human Resources e-Manual (e-Manual) is designed to provide helpful information to employees. The statements contained in this handbook are intended to offer guidance but do not modify the terms of employment. It is not to be construed as an employment contract of any kind. "Terracon" collectively refers to Terracon Consultants, Inc. and its related/affiliated companies (H.C. Nutting Company, TSVC, Inc.).*

On November 1, 2002, Terracon adopted the Employment Dispute Resolution Program as the exclusive means of resolving employment disputes for certain legally protected rights. All employees are bound by this 5 step program. The employment dispute resolution program encourages open communication, protects your work relationships and helps keep costs under control and resolve problems timely. For serious legal disputes, it also makes available the experience and objectivity of the American Arbitration Association (AAA). AAA was founded in 1926 to help businesses, associations and government resolve disputes outside of court and handles over 60,000 cases each year. More information on the AAA can be found at [www.adr.org](http://www.adr.org).

#### Background

Terracon recognizes that even the most dedicated and productive employees can experience problems at work. Sometimes even routine differences with the company can get bigger, and frustration levels rise despite everyone's best intentions.

Terracon has a responsibility to operate the company for the benefit of all of its employees and owners. Employee disputes can be time consuming and costly. This is especially true when disputes result in lawsuits between the employee and employer arising from legally protected rights, which have expanded the causes that an employee may litigate against an employer. Examples of these laws include the prohibition of race, sex, age, physical or mental disability discrimination and sexual harassment.

While these laws have resulted in protections and monetary awards to employees, the available legal recourses have caused frustrating and disappointing results when the employee resorts to litigation. After long delays, years of worry and interrupted careers, a great percentage of any recovery, if any, has been paid out in attorney fees.

Litigation is not beneficial to companies either. Even when a company is successful in defending itself, it must pay significant legal costs, spending large amounts of employee and management resources in the litigation. This is time and money that could be put toward the operation, management and growth of the company for everyone's benefit.

#### For our Collective Benefit

Terracon set out to find a more effective way to resolve workplace disputes—one that would benefit all parties.

Over the years, Terracon has had an unwritten policy to help employees handle problems through the chain of command or through the employee assistance program, LifeWorks®. These options are, of course, still available to you to help resolve workplace disputes and misunderstandings.

For those situations involving certain legally protected rights that, for whatever reason, cannot be resolved in-house, Terracon has adopted a private, professional means of settlement outside of the company. The new approach, packaged as a five-option program, will be called the Terracon Employment Dispute Resolution Program and will take effect November 1, 2000. This outside process will involve mediation and/or arbitration led by the American Arbitration Association (AAA), an objective third party. Mediation means presenting your legal dispute to a neutral third party for help in finding a solution. Arbitration means presenting your dispute to a neutral third party for a final decision. Mediation and arbitration through AAA can:

- provide fair and quick resolution to legal disputes.
- protect work relationships instead of disrupting them.
- prevent excessive spending by all parties on lawyer fees.

#### Program Coordinator

The Program Coordinator is the Manager of Human Resources Administration. If you have any questions about this program at any time, just call the corporate office and ask for the Manager of Human Resources Administration. If that individual is not available, someone will be designated to handle questions under this program at all times.

#### How the Program Works

When a difficult situation happens at work, you may feel there is no place to go to resolve it. How can you go to your supervisor if your problem is with your supervisor? Where can you take your problem so that your job is not threatened? Your friends and family may offer sympathy and advice, but they can't always give you the answers



you are seeking. Tensions build up at work and the problem gets bigger.

Working out problems when they are small often prevents the misunderstandings that occur when communication breaks down. When people stop talking to each other, they focus on their anger and what they imagine to be true instead of the facts. The best way that you and the company can resolve problems is to tackle them together by using one or more of the options explained below before they become crises. You may opt to use any option at any time. To the extent allowed by law, information supplied under the Program will be treated as confidential.

**Option 1:  
GuidanceResources Consultation**

Remember that you may call Terracon's free employee assistance program, GuidanceResources at 1-877-327-4753 (Company code: ZB3042Q). This expert and confidential advice is available at any time. GuidanceResources does not need your name in order to help you. You may want to remain anonymous and just ask a few questions, or you may want to discuss all the details of your situation and be helped through the process. GuidanceResources may help you by:

- Getting the facts.
- Being a "sounding board."
- Reviewing your options.
- Answering your questions.
- Referring you to other resources.
- Helping you help yourself.

How or if you use GuidanceResources is entirely up to you.

**Option 2:  
Open Door Policy**

The Open Door Policy guarantees that all doors are open to you within Terracon. It offers you a variety of ways to solve your problems voluntarily by talking to your immediate supervisor or to a higher level of management without fear of retaliation. Although you are encouraged to solve your problem at the lowest possible level, you may take it as far up the chain of command as needed. At any time, you may also choose to contact Corporate Human Resources for advice or assistance.

**Option 3:  
Request a Conference**

You will be able to resolve most routine problems you may have through the chain of command. If it does not produce results, however, you can sit down at a conference with a Terracon representative to talk about your dispute and choose a process for resolving it. The goal of the conference is to help you and the company agree on a way to settle your dispute and to choose someone to help you do it. You may decide to:

- loop-back to the chain of command.
- engage in an "informal" mediation within Terracon.
- go through an outside process—either mediation or arbitration (Options 4 and 5).

**Option 4:  
Mediation**

If your dispute is based on legally protected rights, you may feel an outside process, such as mediation, is necessary to resolve it. For many people, just presenting their case to someone outside the company, who is not involved in the problem, is all that is needed to get on track toward a solution.

Mediation is often the most straightforward and cost-effective method of examining and resolving disputes. It consists of a meeting during which a neutral third party from outside the company, called a mediator, helps you and the company come to an agreement of your own, based on your needs and interests. Mediation helps primarily by opening up communication and by coming up with options. It is a non-binding process, which means that the mediator can make suggestions, but you and the other party are responsible for resolving your dispute. All mediations in this program will use an AAA mediator as the neutral party. In some cases involving legally protected rights, both parties may agree to bypass this option and move directly from the conference to Option Five for a final decision.

You must pay a \$50 processing fee to take your legal dispute to mediation. Terracon will pay the remainder of the costs associated with the mediation process.

After mediation is requested, AAA will assign a professional mediator who is located close to your home. A meeting is set with the mediator, you and a company representative. The mediator will guide your discussion and help you work out your differences. At any time, the mediator may meet privately with you or the company representative to try to develop a better understanding of the problem to ultimately help resolve the situation. Mediation is advantageous because it:

- provides both sides the opportunity to tell their story.
- allows both sides to have a third party perspective.
- helps reduce feelings of hostility that may occur.
- helps separate emotional issues from factual issues.
- promotes discussion of creative solutions.
- helps people work things out themselves.
- offers an opportunity for win-win solutions.

**Option 5:****Arbitration**

If the dispute involves a legally protected right, such as protection against age, race, sex, physical or mental discrimination or sexual harassment, and has not been resolved in Options One through Four, you or the company may request arbitration. While you do not have to proceed through each of the options in their exact numerical order, the program is designed with multiple steps to maximize the possibility of resolution prior to arbitration.

Arbitration is a process in which a dispute is presented to a neutral third party, the arbitrator, for a final and binding decision. The arbitrator makes this decision after both sides present their arguments at the arbitration hearing. There is no jury and the arbitrator may make any award a court of law could make.

The neutral party, AAA, runs the proceedings, which are held privately. Though arbitration is much less formal than a court trial, it is an orderly proceeding, governed by rules of procedure and legal standards of conduct.

You must pay a \$50 processing fee to take your legal dispute to arbitration. Terracon will pay the remainder of the costs associated with the arbitration process. If you have already paid the \$50 fee for mediation, you will not need to pay the fee again for arbitration. You may move to arbitration directly from the conference or if mediation proves unsuccessful—**as long as your dispute involves a legally protected right.**

Typical arbitration steps include the following:

1. One party involved in the legal dispute files a demand for arbitration with an AAA office.
2. Any other parties involved are notified.
3. AAA offers a list of qualified arbitrator candidates.
4. Each party numbers the list in order of preference.
5. An arbitrator is selected based on the parties' preferences.
6. AAA arranges a hearing date at a convenient location.
7. At the hearing, testimony is given and documents are exchanged.
8. Witnesses are questioned and cross-examined.
9. The arbitrator issues a final and binding decision.
10. Copies of this decision are sent to both parties.

**Arbitration makes sense because:**

- you receive help from the company in paying lawyer fees, and depending on the type of representation you choose, you may not have to share an arbitrator's award with a lawyer.
- You can benefit from the objectivity and experience of an outside, neutral arbitrator.
- arbitration can restore what you may have lost. An arbitrator can award you anything you might seek through a court of law.

**Legal Consultation**

An important feature of the program is a legal consultation with the attorney of your choice, prior to going to mediation or arbitration. The company has access to legal advice through its legal department and outside lawyers. You may consult with a lawyer or any other advisor of your choice during this process. However, you are not required to hire a lawyer.

Since Terracon believes that this is an important portion of the program and wants to ensure that your legal rights are protected, the company will help you pay for this consultation using the following schedule:

- You pay a deductible of \$25.

- The company pays the next 90 percent of the balance with a maximum payment of \$2,500 per employee for any dispute or in any one calendar year.

For example, if the legal consultation was \$1,000, you would pay a deductible of \$25 and then 10 percent of \$975, or \$97.50, and the company would pay \$877.50.

You may make application for payment for legal consultation through the Program Coordinator.

#### **For More Information**

This is a summary of the Terracon Employment Dispute Resolution Program. The complete document is also available in the Terracon E-manual. If there is any discrepancy between the information above and the program and rules document, the program and rules document will be followed.

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*Please contact the Corporate Human Resources Department if you have questions about the items on this page.*

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# TerraNet Portal



## E-Manual-Miscellaneous

### Employment Dispute Resolution Program Document

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*The Terracon Human Resources e-Manual (e-Manual) is designed to provide helpful information to employees. The statements contained in this handbook are intended to offer guidance but do not modify the terms of employment. It is not to be construed as an employment contract of any kind. "Terracon" collectively refers to Terracon Consultants, Inc. and its related/affiliated companies (H.C. Nutting Company, TSVC, Inc.).*

#### 1. Purpose and Construction

This Program is designed to provide for the quick, fair, accessible and inexpensive resolution of employment related disputes between the Company and its present and former employees. The Program is intended to create an exclusive procedural mechanism for the final resolution of all disputes falling within its terms. It is not intended either to abridge or enlarge substantive rights available under existing law. The Program contractually modifies the "at-will" employment relationship between the Company and its employees, but only to the extent as expressly stated in this Program. The Program should be interpreted in accordance with these purposes.

#### 2. Definitions

- A. "AAA" means the American Arbitration Association.
- B. The "Act" means the Federal Arbitration Act, 9 U.S.C. 1, et seq.
- C. "Attorney" means any person who is licensed to practice law and to render any legal services subject to reimbursement of payment under this Program.
- D. "Company" means Terracon Consultants, Inc. and every subsidiary of Terracon Consultants, Inc. ("Terracon") (an Iowa corporation), any Electing Entity, and all of their officers, directors, employees and agents. Provided, however, that in the case of an Electing Entity, "Company" shall include the Entity only to the extent provided in the Entity's agreement to be bound by the Program.
- E. "Dispute" means a claim, demand or controversy to which this Program applies, between persons bound by the Program or by an arrangement to resolve disputes under the Program.
- F. "Electing Entity" means any legal entity, which has agreed to be bound to the Program as provided herein.
- G. "Employee" means any employee or former employee of the Company residing in the United States, or otherwise subject to the laws of the United States or any state, municipality, or other political subdivision
- H. "Panel" means a list of one or more Attorneys maintained by the Program Coordinator who are qualified to perform legal services reimbursable under this Program.
- I. "Party" means a person bound by this Program.
- J. "Program" means this Terracon Employment Dispute Resolution Program, as amended from time to time.
- K. "Referee" means a person selected under this Program to decide or mediate a Dispute, such as an arbitrator or mediator. "Decision by Referee" means resolution of a Dispute by arbitration or any other method selected by the Parties under this Program.
- L. "Rules" means the Terracon Employment Dispute Resolution Program Rules, as amended from time to time.

#### 3. Application and Coverage

- A. This Program applies to and binds the Company, each Employee who is in the employment of the Company on or after the effective date of this Program, and the heirs, beneficiaries and assigns of any such person. All such persons shall be deemed to be Parties to this Program.
- B. Except as provided herein, this Program applies to any legal or equitable claim, demand or controversy, in tort, in contract, under statute, or alleging violation of any legal obligation, between persons bound by the Program, which relates to, arises from, concerns or involves in any way:
  - i. this Program;
  - ii. the employment of an employee, including the terms, conditions, or termination of such employment;
  - iii. any matter related to the relationship between the Employee and the Company including,

by way of example and without limitation, allegations of: discrimination based on age, race, sex, religion, national origin or disability; sexual harassment; workers' compensation retaliation; defamation; infliction of emotional distress; or issues relating to Terracon's Agreement of Employment.

- C. Notwithstanding anything to the contrary in this Program, the Program does not apply to claims for workers compensation benefits, unemployment compensation benefits or status, claim, or membership with regard to any employee benefit plan.

#### 4. Resolution of Disputes

All Disputes not otherwise settled by the Parties shall be finally and conclusively resolved under this Program and the Rules.

#### 5. Confidentiality

The Company may employ confidential advisors to assist employees in management in resolving disputes. It is the intent of this Program that any matter brought to the attention of the confidential advisors in their capacities as advisors should be held in the strictest confidence unless otherwise required by law as to reporting obligations or disclosure.

The Dispute Resolution Program Coordinator is authorized to conduct conferences for the purpose of assisting parties in selecting a dispute resolution process. The conferences conducted under this Program and all in-house dispute resolution process including but not limited to mediation, fact finding, peer review, or any form of in-house arbitration shall be confidential.

#### 6. Amendment

- A. This plan may be amended by Company at any time. However, no amendment shall apply to any Dispute of which Company had actual notice on the date of amendment.
- B. Company shall adopt, and may amend the Rules at any time. However no amendment will be effective:
  - i. until notice of the amendment is served on AAA; or
  - ii. as to a Dispute of which Company had actual notice (by notice of intent to arbitrate or otherwise) on the date of amendment.

#### 7. Termination

This Program may be terminated by Company at any time. However, termination shall not be effective:

- A. until ten (10) days after reasonable notice of termination is given to Employees, or
- B. as to Disputes which arose prior to the date of termination.

#### 8. Applicable Law

- A. The Act shall apply to this Program, the Rules, and any proceedings under the Program or the Rules, including any actions to compel, enforce, vacate or confirm proceedings, awards, orders of a Referee, or settlements under the Program or the Rules.
- B. Other than expressly provided herein, or in the Rules, the substantive legal rights, remedies and defenses of all Parties are preserved. In the case of arbitration, the arbitrator shall have the authority to determine the applicable law and to order any and all relief, legal or equitable, including punitive damages, which a Party could obtain from a court or competent jurisdiction on the basis of the claims made in the Dispute.
- C. Other than as expressly provided herein, or in the Rules, the Program shall not be construed to grant additional substantive legal or contractual rights, remedies or defenses which would not be applied by a court of competent jurisdiction in the absence of the Program.
- D. Notwithstanding the provisions of the preceding subsection, in any proceeding before an arbitrator, the arbitrator, in his direction, may allow a prevailing Employee a reasonable attorney's fee as a part of the award. The discretion to allow an award of fees under this subsection is in addition to any discretion, right or power which the arbitrator shall have under applicable law. However, the award of fees shall be reduced by any amounts which have been or will be paid by the Terracon Employee Dispute Resolution Legal Assistance Program.

#### 9. Administrative Proceedings

- A. This Program shall apply to any Dispute pending before any local, state or federal administrative body unless prohibited by law.
- B. Participation in any administrative proceeding by the Company shall not affect the applicability of the Program to any such dispute upon termination of the administrative proceedings. A finding, recommendation or decision by an administrative body on the merits of a dispute subject to this Program shall have the same legal weight or effect under the Program as it would in a court of competent jurisdiction.

#### 10. Exclusive Remedy

Proceedings under the Program shall be the exclusive, final and binding method by which Disputes

are resolved. Consequently, the institution of a proceeding under this Program shall be a condition precedent to the initiation of any legal action (including action before any administrative tribunal with adjudicatory powers) against the Company arising out of the employment of an employee by the Company and any such legal action shall be limited to those under the Act.

Notwithstanding the foregoing, no employee is precluded by operation of the Program from filing a complaint with any federal, state or other governmental administrative agency.

#### 11. Electing Corporations

- A. Corporations or other legal entities not otherwise Parties may elect to be bound by this Program by written agreement with Company.
- B. Election may be made only as to some types of Dispute, or only as to some persons, in the discretion of Company.

#### 12. Effective Date

The effective date of this Program shall be November 1, 2000.

#### 13. Severability

The terms of this Program and the Rules are severable. The invalidity or unenforceability of any provision therein shall not affect the application of any other provision. Where possible, consistent with the purposes of the Program, any otherwise invalid provision of the Program or the Rules may be reformed and, as reformed, enforced.

#### 14. Legal Representation

- A. General: The Company will provide assistance for the provision of legal services to an Employee by an Attorney. The services must be performed by an Attorney or by a person who works under the direct supervision of an Attorney such as an associate attorney, paralegal, law clerk, or investigator. The services rendered must have a direct connection to the resolution of a Dispute by the means provided in the Program. The Attorney and the Employee must have agreed to such representation in a written document satisfactory to the Program Coordinator.
- B. Assistance Provided: Legal assistance may be provided as for the provision of legal assistance to the Employee by an Attorney as follows:
  - i. Initial consultation regarding the Employee's Dispute with the Company.
  - ii. Negotiation or mediation of the Dispute prior to Decision by arbitrator.
  - iii. Representation of the Employee during any proceeding before an arbitrator, including any necessary discovery and preparation for the proceeding.
- C. Assistance Not Provided: No assistance is provided for services rendered after a decision by arbitrator.
- D. Limitation on Assistance: No assistance will be provided or paid in excess of \$2,500 for any Dispute or in any one calendar year with respect to the representation of any one Employee. After a \$25 deductible for each dispute, the Employee shall be reimbursed 90% of the fees approved by the Program Coordinator.
- E. Qualification for Assistance: Employees may apply to the Program Coordinator for assistance under this Program under any procedures established by the Program Coordinator. Unless such procedures provide otherwise, application may be made either before or after the Employee has consulted with an Attorney. The Program Coordinator may approve payment of reasonable fees if the Program Coordinator determines in the Program Coordinator's sole and absolute discretion that the Employee has or may have a Dispute that requires legal assistance. In making this determination, the Program Coordinator may consider the cost and value of the services rendered or to be rendered. The assistance under this Program does not apply to, nor shall assistance be paid for, any actions brought by the Company to enforce its Agreement of Employment.
- F. Prohibition of Duplicate Payments: No benefit shall be paid hereunder to the extent that attorneys' fees have been awarded by an arbitrator or a court for performance of the same legal services.
- G. Selection of Panels: The Program Coordinator may, in its discretion, establish Panels from which Employees may select Attorneys. However, no Employee shall be required to consult an Attorney from a Panel as a condition of receiving benefits under this Program. Separate Panels may be maintained for different geographical areas, different classes of Dispute, or on such other basis as the Program Coordinator may determine. The Program Coordinator shall determine the number, types, and qualifications of Attorneys to be placed on any Panel in its sole and absolute discretion. The Program Coordinator may provide a unique Panel for a particular case. Neither the Company nor the Program Coordinator shall assume any liability beyond the payment of assistance provided for hereunder. However, any person placed on a panel must be:
  - i. Licensed to practice law in a state of the United States;
  - ii. Regularly engaged in the practice of law; and

iii. Qualified to represent Employee's hereunder with the scope of his or her license.

- H. Payment: Payments for services rendered hereunder shall be made directly to the Attorney involved by or on the order of the Program Coordinator. Payment will be made only after the services have been rendered and in no event will such payments be made prospectively. A claim for assistance payment shall be made on such forms and in accordance with such procedures as the Program Coordinator shall prescribe for such purpose.

#### 15. Coordination

Company shall appoint one or more persons to administer this Program who shall be known as the "Employment Dispute Resolution Program Coordinator." The Program Coordinator shall be responsible for the management and administration of the Program. Any communication with the Company which is required or permitted by this Program or the Rules shall be made to the Program Coordinator.

#### 16. Assent

Employment or continued employment after the Effective Date of this Program constitutes consent by both the Employee and the Company to be bound by this Program, both during the employment and after termination of employment.

### Terracon Employment Dispute Resolution Program Rules

#### 1. Definitions

All definitions included in the Terracon Employment Dispute Resolution Program apply to these Rules.

#### 2. Application

- A. If different rules, applicable to a specific class of Disputes, have been adopted by Company and served on AAA, these rules shall not apply.
- B. These Rules apply in the form existing at the time proceedings are initiated under them.
- C. To the extent consistent with these Rules, the Employment Dispute Resolution Rules of AAA also apply to all proceedings governed by these Rules.

#### 3. Initiation of the Process

- A. A party may initiate proceedings under these Rules at any time, subject to any defenses applicable to the timeliness of the claim, including limitations and laches.
- B. A party may initiate proceedings by serving a written Request to initiate proceedings on AAA and tendering the appropriate administrative fee.
- C. Copies of the Request shall be served on all other parties to the Dispute. The Request shall describe the nature of the dispute, the amount involved, if any, the remedy sought, and the hearing locale requested.
- D. Proceedings may also be initiated by an Employee against the Company by serving the Company. In such a case, the Company shall promptly forward any properly served notice it has received to AAA.
- E. Parties on whom notice is served shall file an answering statement within twenty-one (21) days of receiving notice of intent to arbitrate or a specification of claims, which shall include any counterclaims and any request that the arbitrator (if any) prepare a statement of reasons for the award.

#### 4. Administrative Conference

As soon as possible after receipt of the answering statement, if any, AAA shall convene an administrative conference. The conference may be held in person or by telephone. At the conference AAA will determine whether the Parties are in agreement on a method to resolve the dispute. If the Parties agree on a procedure, AAA will implement this agreement to the extent consistent with AAA's rules upon payment of any applicable fee. If the Parties cannot agree, or if the Parties have previously attempted and failed to resolve the Dispute by mediation or another non-binding mechanism, the Dispute shall be arbitrated under these Rules.

#### 5. Appointment of Arbitrator

Immediately after payment of the arbitration fee, AAA shall send simultaneously to each party an identical list of names of persons chosen from a panel of qualified arbitrators, which AAA shall select and maintain. Each party to the dispute shall have fourteen (14) days from the transmittal date to strike any names objected to, number the remaining names in order of preference, and return the list to AAA. If a party does not return the list within the time specified, all persons therein shall be deemed acceptable. From among the persons who have been approved on both lists, and in accordance with the order of mutual preference, AAA shall invite the acceptance of the arbitrator to serve. Any party shall have the right to strike one list of arbitrators in its entirety. When a party exercises this right, AAA shall issue a second list of arbitrators consistent with the above procedures.

If no arbitrator is selected from the second list, AAA will appoint the arbitrator.

**6. Qualifications of the Arbitrator**

No person shall serve as an arbitrator in any matter in which that person has any financial or personal interest in the result of the proceeding. Prior to accepting appointment, the prospective arbitrator shall disclose any circumstance likely to prevent a prompt hearing or create a presumption of bias. Upon receipt of such information from the arbitrator or any other source, AAA will either replace that person or communicate the information to the parties for comment. Thereafter, AAA may disqualify that person and its decision shall be conclusive.

**7. Vacancies**

If a vacancy occurs for any reason or if an appointed arbitrator is unable to serve promptly, the appointment procedure in Section 5 shall apply to the selection of a substitute arbitrator.

**8. Date, Time and Place of Hearings**

- A. The arbitrator shall set the date, time and place of the hearing.
- B. Notice of any hearing shall be given at least ten (10) days in advance, unless the arbitrator determines or the parties agree that a shorter time is necessary.
- C. If one party is an Employee, the arbitrator shall make every effort, without unduly incurring expense, to accommodate the employee in the selection of a hearing location.

**9. Conference**

At the request of AAA, a party, or on the initiative of the arbitrator, the arbitrator or AAA may notice and hold conferences for the discussion and determination of any matter which will expedite the hearing, including:

- A. venue,
- B. clarification of issues,
- C. determination of preliminary issues, including summary determination of dispositive legal issues,
- D. discovery,
- E. the time and location of hearings or conferences,
- F. interim legal or equitable relief authorized by applicable law,
- G. pre- or post-hearing memoranda,
- H. stipulations,
- I. any other matter of substance or procedure.

**10. Mode of Hearings and Conferences**

In the discretion of the arbitrator or by agreement of the parties, conferences and hearings may be conducted by telephone or by written submission as well as in person.

**11. Prehearing Discovery**

- A. On any schedule determined by the arbitrator, each party shall submit in advance, the names and addresses of the witnesses it intends to produce and any documents it intends to present.
- B. The arbitrator shall have discretion to determine the form, amount and frequency of discovery by the parties.
- C. Discovery may take any form permitted by the Federal Rules of Civil Procedure, subject to any restrictions imposed by the arbitrator.

**12. Representation**

Any party may be represented by counsel or by any other authorized representative.

**13. Attendance at Hearings**

The arbitrator shall maintain the privacy of the hearings to the extent permitted by law. Any person having a direct interest in the matter is entitled to attend the hearings. The arbitrator shall otherwise have the power to require the exclusion of any witness, other than a party or other essential person, during the testimony of any other witness. The arbitrator shall determine whether any other person may attend the hearing. Upon the request of any party, the arbitrator shall exclude any witness during the testimony of any other witness.

**14. Postponement**

- A. The arbitrator, for good cause shown by a party, or on agreement of all parties, may postpone any hearing or conference.
- B. The pendency of court proceedings related to the same matter is not good cause for postponement.

**15. Oaths**



Before proceeding with the first hearing, each arbitrator may take an oath of office and, if required by law, shall do so. The arbitrator may require witnesses to testify under oath administered by a duly qualified person and if required by law or requested by any party, shall do so.

**16. Stenographic Record**

There shall be no stenographic, tape recorded, or videotape record of the proceedings unless requested by one of the parties or the arbitrator rules otherwise. The party requesting the record shall bear the entire cost of producing the same. Copies of the record shall be furnished to all other parties on request and payment of the cost of the reproduction.

**17. Procedure**

The hearings shall be conducted by the arbitrator in whatever order and manner will most expeditiously permit full presentation of the evidence and arguments of the parties.

**18. Arbitration in the Absence of a Party**

The arbitrator may proceed in the absence of parties or representatives who, after due notice, fail to be present or fail to obtain a postponement. An award shall not be made solely on the default of a party. The arbitrator shall require any party who is present to submit such evidence as the arbitration may require for the making of an award.

**19. Evidence**

- A. The arbitrator shall be the sole judge of the relevance, materiality and admissibility of evidence offered. Conformity to legal rules shall not be necessary.
- B. The arbitrator may subpoena witnesses or documents at the request of a party or on the arbitrator's own initiative.
- C. The arbitrator may consider the evidence of witnesses by affidavit or declaration, but shall give it only such weight as the arbitrator deems it entitled to after consideration of any objection made to its admission.

**20. Post-Hearing Submissions**

All documentary evidence to be considered by the arbitrator shall be filed at the hearing, unless the arbitrator finds good cause to permit a post-hearing submission. All parties shall be afforded an opportunity to examine and comment on any post-hearing evidence. The arbitrator shall permit the filing of post-hearing briefs at the request of a party and shall determine the procedure and timing of such filings.

**21. Closing and Reopening of Hearing**

- A. When the arbitrator is satisfied that the record is complete, including the submission of any post-hearing briefs or documents permitted by the arbitrator, the arbitrator shall declare the hearing closed.
- B. The hearing may be reopened on the arbitrator's initiative or upon application of a party, at any time before the award is made.

**22. Waiver of Procedures**

Any party who fails to object in writing after knowledge that any provision or requirement of these procedures has not been complied with, shall be deemed to have waived the right to object.

**23. Service of Notices and Papers**

Any papers, notices, or process necessary or proper for the initiation or continuation of any proceeding under these Rules (including the award of the arbitrator; for any court action in connection therewith; or for the entry of judgment on an award made under these procedures) may be served on a party by mail addressed to the party or his representative at the last known address or by personal service. Service may be made at any place, provided that the party served has had a reasonable opportunity to be heard with regard to service. The AAA, the parties, and the arbitrator may also use facsimile transmission, telex, telegram, or other written forms of electronic communication to give any notices required by these procedures.

**24. Communications with AAA and the Company**

- A. Any party may notice, serve or communicate with AAA by contacting.

Regional Administration  
**American Arbitration Association**  
120 W. 12th St.  
Suite 410  
Kansas City, Missouri 64105  
Phone No.: (816) 221-6401  
Fax No.: (816) 471-5264

- B. Any party may notice, serve or communicate with the Company by contacting:

Employment Dispute Resolution Program Coordinator  
Terracon, Inc.  
18001 W 106th Street, Suite 300  
Olathe, KS 66061  
Phone No.: (913) 599-6886

Fax No.: (913) 309-1913

**25. Communications with the Arbitrator**

There shall be no communication between the parties and the arbitrator other than at any oral hearings or conferences. Any other oral or written communications from the parties to the arbitrator shall be directed to the AAA (and copied to the parties) for transmission to the arbitrator, unless the parties and the arbitrator agree otherwise.

**26. Time of Award**

The award shall be promptly made by the arbitrator and, unless otherwise agreed by the parties or specified by applicable law, no later than thirty (30) days from the date of the closing of the hearing or the closing of a reopened hearing, whichever is later.

**27. Form of Award**

The award shall be in writing and shall be signed by the arbitrator. If any party requests in its Notice of Answering Statement, the arbitrator shall write a summary of reasons for the decision. The award shall be executed in any manner required by applicable law.

**28. Modification of Award**

On order of a court of competent jurisdiction, or an agreement of the parties, the arbitrator shall modify any award. The arbitrator may modify an award on the motion of a party if the arbitrator finds that the award as rendered is ambiguous or defective in form; to correct any clerical, typographical, technical or computational errors; or if the award requires an illegal or impossible act. These are the only circumstances under which an arbitrator shall have jurisdiction to withdraw or modify an award.

**29. Settlement**

If the parties settle their dispute during the course of the arbitration, the arbitrator may set out the terms of the settlement in a consent award.

**30. Scope of Arbitrator's Authority**

The arbitrator's authority shall be limited to the resolution of legal disputes between the parties. As such, the arbitrator shall be bound by and shall apply applicable law including that related to the allocation of the burden of proof as well as substantive law. The arbitrator shall not have the authority either to abridge or enlarge substantive rights available under existing law. The arbitrator may also grant emergency or temporary relief, which is or would be authorized by applicable law.

**31. Judicial Proceedings and Exclusion of Liability**

- A. Neither AAA nor any arbitrator is a necessary party in any judicial proceeding relating to proceedings under these Rules.
- B. Neither the AAA nor any arbitrator shall be liable to any party for any act or omission in connection with any proceeding within the scope of these Rules.
- C. Any court with jurisdiction over the parties may compel a party to proceed under these Rules at any place and may enforce any award made.
- D. Parties to these Rules shall be deemed to have consented that judgment upon the award of the arbitrator may be entered and enforced in any federal or state court having jurisdiction of the parties.
- E. Initiation of, participation in, or removal of a legal proceeding shall not constitute waiver of the right to proceed under these Rules.
- F. Any court with jurisdiction over the parties may issue any injunctive orders (including preliminary injunctions) if the necessary legal and equitable requirements under applicable law are met pending the institution of proceedings under these rules.

**32. Fees and Expenses**

- A. The expenses of witnesses shall be borne by the party producing such witnesses, except as otherwise provided by law or in the award of the arbitrator.
- B. All attorneys' fees shall be borne by the party incurring them except as otherwise provided by law, by the Program, or in the award of the arbitrator.
- C. Employee Parties: Except as provided in this Rule, Employee Parties shall not be responsible for payment of fees and expenses of proceedings under these Rules including required travel of an arbitrator, expenses of an arbitrator or of AAA representatives, and the cost of any proof produced at the direction of an arbitrator. If proceedings are initiated by an Employee, the Employee shall be responsible for the following fees:
  - i. \$50.00 with the service of a demand by an employee;
  - ii. \$50.00 if the Parties agree to mediation or other non-binding means to resolve the dispute requiring one neutral (if the dispute is resolved through mediation, the \$50.00 fee for mediation will be refunded to the employee; and
  - iii. \$50.00 for arbitration initiated by an Employee.
- D. If the demand for mediation or arbitration is initiated by the Company, all AAA fees will be paid by the Company.

- E. Other Parties: Except as otherwise provided by law or in the award of the arbitrator, all other expenses, fees and costs of proceedings under these Rules shall be borne equally by the Parties who are not Employees.

### **33. Interpretation and Application of These Rules**

The arbitrator shall interpret and apply these Rules insofar as they relate to the arbitrator's powers and duties. All other rules shall be interpreted and applied by the AAA.

### **34. Applicable Law**

- A. The proceedings and any judicial review of awards under these rules shall be governed by the Federal Arbitration Act, 9 U.S.C. 1 et seq.
- B. Except where otherwise expressly provided in these Rules, the substantive law applied shall be the state or federal substantive law which would be applied by a United States District Court sitting at the place of the hearing.

### **35. Mediation**

At any time before the hearing is closed, the parties may agree to mediate their dispute by notifying AAA. AAA shall determine what procedures apply to any such mediation, or the parties may agree to such other means as are appropriate.

*Back to Top*

*Please contact the Corporate Human Resources Department, if you have questions about the items on this page.*

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## TerraNet Portal



TerraNet Search

### Quick Links

■ [United Healthcare](#)  
Medical Claims  
Group # **710523**  
Flex Claims Group  
# **710524**

■ [Delta Dental of Kansas](#)  
Group # **06801**

■ [VSP](#) (Vision) -  
Group # **181226**  
no ID card issued.  
In-network doctors  
verify coverage for  
vision online

■ [Hyatt Legal Services](#)  
Password: **570005**

■ [MetLife](#)  
(Auto/Home)  
Company Code:  
**ZZZ**

■ [Schwab](#) (401(k))

■ [SunLife Of Canada](#)  
(Life Insurance and  
Disability Benefits)  
Group # **44063**

■ [GuidanceResources](#)  
Company Code:  
**ZB3042Q**

### Employee Benefits - What's New

- Weight Loss Challenge #1 in process. Check out the progress [click here](#).
- A new pages has been added for [Benefits and Travel Outside of the United States](#) - see Benefit Details below.
- Subsidy [COBRA](#) rates have been added to the COBRA rate table. More information about the COBRA premium subsidy as it becomes available.
- Providing proof of prior coverage to United Healthcare can be confusing. A [new cover sheet](#) is available to attach to Certificates of Creditable Coverage when sending them to UHC.
- [TerraFit](#) has changed for 2009. Check out the new way to accumulate points - see all the other new additions to Terracon Wellness below.

**The benefits page has a new look, so do some of the pages in Benefits Details (some pages still under construction). We are trying to improve the information provided to you about your benefits. You will now find any form or other documents relating to a specific benefit on the page with that benefit's information. Example: The Flexible Benefit Claim form can now be found on the Flexible Benefit Plan page under Benefit Details. Please send any suggestions/questions to [Karen Butts](#) about the new benefit pages.**

### Benefit Details

Find Benefit Details

Select the drop down arrow to find detailed information about a specific benefit offered by Terracon.



Terracon is in its 15th year of offering its employees a way to help achieve and maintain their personal health and wellness goals. Working towards wellness is a full-time activity!!! In order to be effective; it needs to become a way of life. The Wellness Program stresses the importance of physical, recreational, personal health and educational activities.



### Enrolling in Benefits

[How does an employee enroll in benefits?](#)

All enrollments must be completed online with the use of the HR Self Service system. Access to the HR Self Service system is available through a link on the Home Page of the TerraNet Portal. This link can be found on the left-hand side of the Home Page under Other Links.

### Making Changes to Benefits







**CHANGES MUST BE MADE WITHIN 30 DAYS OF EVENT**







[How does an employee make changes to their benefit elections?](#)

A Qualifying Life Event is required for an employee to make changes to a medical, dental, vision, and/or flexible spending account plan during the plan year and the [Application for Benefit Change due to Life Event 2009](#) (PDF) form must be completed to make changes to benefits.

### Benefit Contacts

[Karen Butts](#), HR Analyst/Benefits  
Phone: 913-577-0350

-  [Summary of Wellness Program](#)
-  [Wellness Calendar](#)
-  [Wellness Newsletter](#)
-  [Preventive Screening Schedule](#)
-  [Tobacco Cessation Program](#)
-  [Healthy Pregnancy Program](#) offered through United HealthCare

-  [NurseLine](#)
-  [Employee Assistance Program](#)
-  [Weight Loss Challenges](#)
-  [TerraFit](#)
-  [Health Assessment](#)
-  [Online Health Coach](#)

[Cherie Raygoza](#), Benefits Coordinator  
Phone: 913-577-0364

HR Privacy Fax - 913-307-1913  
Complete [HR Contacts](#) listing

#### Disclaimer

This information is a summary of benefits and is not intended to take the place of or change the official plan documents in any way. In the case of any discrepancy between the information on this website and the official plan documents, the plan documents prevail. In addition, these benefits are not an employment contract. Nothing in this summary, expressed or implied, gives a person the right to employment with Terracon Consultants, Inc. and its related/affiliated companies, (H.C. Nutting Company, TSVC, Inc.) collectively known as "Terracon" or affects the right of Terracon to terminate employment at any time or for any reason. Terracon reserves the right to change, reduce or terminate the benefits at any time.

[Benefits Home](#) | If you have questions about the items on this page, please contact [Karen Butts](#) or [Cherie Raygoza](#) in the Human Resources Department.

# Terracon

## Privacy Data Policy

### **1.0 Purpose and Scope**

The increased occurrence and awareness of identify theft has resulted in numerous states enacting privacy laws that require companies to properly secure individual and organizational confidential information and to promptly report breaches. In addition, the Fair and Accurate Credit Transactions Act requires proper destruction of documents that contain privacy information. It is anticipated that a national law will be enacted related to these issues. Failure to adhere to these regulations can result in significant fines and undesirable publicity.

The purpose of this policy is to outline the procedures that all employees will follow related to the storage and handling of privacy data. This policy is in connection with the Terracon Code of Business Conduct and Ethics.

### **1.1 Procedures**

Privacy data is defined as an individual's first name or first initial and last name linked to any one or more of the following data elements: social security number, driver's license number or state identification number, date of birth, financial account information, credit or debit card information (either alone or in combination with any required security code, access code or password that would permit access to a consumer's financial account), or HIPAA information. An electronic or hardcopy document is considered to contain privacy data if it contains at least one item from the above list. Individuals or organizations are defined as but not limited to applicants, employees, dependents, spouses, clients, contractors, consultants, vendors, business associates or others with a legitimate relationship with Terracon.

To ensure that we adhere to these regulations and can determine where all privacy data is stored, Terracon will restrict the location where privacy documents are stored.

All employees will adhere to the following procedures when dealing with privacy data:

- All privacy data will only be stored in approved databases and folders on servers and computers located in the corporate data center at 16000 College Blvd, Lenexa, Kansas. Approved databases and folders will be authorized by the CIO and legal department.
- Employees will not store privacy data on workstations, laptops, office servers, PDAs, Cell Phones, USB drives, cameras, external storage devices or any other electronic device in any type of electronic document (e.g. Word, Excel, PDF, faxes, databases etc.).
- Employees will not copy privacy data to any type of electronic device or media for use outside of the building including but not limited to CDs, DVDs, tapes, flash cards, USB drives, cameras, PDAs, cell phones etc.

# **Terracon**

## **Privacy Data Policy**

- Employees will not take privacy data in either electronic or hardcopy form from outside of a Terracon office when traveling or working from home.
- Privacy information is not to be sent or stored on any email system including Terracon's.
- Hardcopy documents will be stored in locked cabinets when not being directly supervised. All hardcopy documents that contain privacy information must be directly supervised when not stored in locked cabinets.
- Hardcopy documents that contain privacy information that are to be disposed must be shredded using either a cross-cut or confetti-cut shredder or a bonded shredding company approved by the corporate purchasing department. Strip-cut shredders are not to be used.
- Only employees and individuals with a need to know will be granted access to privacy information.
- Any electronic document that has been stored on an electronic device or media outside of the corporate data center located at 16000 College Blvd, Lenexa, Kansas must be removed using proper electronic shredding techniques. Any employee aware of electronic documents containing privacy information that are currently stored or have been previously deleted from any electronic device outside of the corporate data center must immediately notify the Information Technology Helpdesk so that the electronic documents can be properly shredded.
- Only corporate employees with proper responsibilities can send privacy data to approved third parties such as vendors (e.g. Ceridian, Schwab, Wausau etc.). Before sending the information, the appropriate department manager and legal department must approve the transfer. Electronic transfers must be performed using secure transmission and encryption techniques that have been approved by the CIO. Email systems will never be used to transfer privacy data. Any hardcopy documents sent to a third party must be approved by the department manager and legal department and sent with proper chain of custody tracking. Privacy data should not be sent to third parties on CD, DVD or other external media without approval from the CIO and the utilization of proper chain of custody procedures. In addition, the third party will be expected to return the media so that Terracon can properly dispose of it.
- All backup media used by the corporate Information Technology department that is sent off-site will implement proper chain of custody procedures to ensure that all tapes are received and returned to the off-site vendor's facilities.
- All privacy data sent to the Disaster Recovery site will be transmitted over secure private connections and utilize proper encryption techniques when necessary.

# **Terracon**

## **Privacy Data Policy**

- Employees who require remote access to privacy data will only do so from a company laptop that has a standard Terracon security configuration through a SSL VPN connection with a secure token.
- The legal department will be responsible for notifying affected individuals within 24 hours of a privacy breach.
- Any deviation from this policy must be obtained in writing from the legal department and CIO.
- Any employee who is aware of a violation of this policy must immediately notify either the legal department or the CIO in writing (email). The legal department or CIO will immediately initiate a Security Incident form and inform the other party of the incident.

### **1.2 Confidentiality Agreement**

Any employee who has access to privacy data must sign a confidentiality agreement indicating that they have read and understand their responsibilities with respect to the data.

**ANY VIOLATION OF THIS POLICY IS GROUNDS FOR DISCIPLINARY ACTION, UP TO AND INCLUDING, DISMISSAL OR TERMINATION OF SERVICE WITH TERRACON AND TERRACON MAY PURSUE ANY OTHER REMEDY AVAILABLE TO IT BY LAW.**